



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

Malden Public School District

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

Dates of Onsite Visit: March 9-13, 2009

Date of Draft Report: May 18, 2009

Date of Final Report: August 18, 2009

Action Plan Due: September 18, 2009

Department of Elementary and Secondary Education Onsite Team Members:

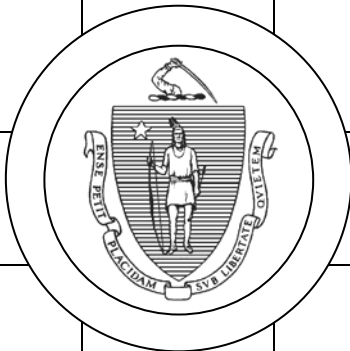
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT**

Malden Public School District

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SCOPE OF COORDINATED PROGRAM REVIEWS

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through the Coordinated Program Review (CPR). All reviews cover selected requirements in the following areas:

Special Education (SE)

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004), the federal regulations promulgated under that Act at 34 CFR Part 300, M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007. The 2008-2009 reviews will focus primarily on criteria containing requirements that are highlighted in the Massachusetts State Performance Plan and reported on every year to the Office of Special Education Programs of the U.S. Department of Education.

Civil Rights Methods of Administration and Other General Education Requirements (CR)

- selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5.
- selected requirements from the Massachusetts Board of Education's Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Education's Student Learning Time regulations (603 CMR 27.00).
- various requirements under other federal and state laws.

English Learner Education (ELE) in Public Schools

- selected requirements from M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students, and 603 CMR 14.00, as well as the No Child Left Behind Act of 2001 and Title VI of the Civil Rights Act of 1964. During the 2008-2009 school year, all districts that enroll limited English proficient students will be reviewed using a combination of updated standards and a self-assessment instrument overseen by the Department's Office of Language Acquisition and Academic Achievement (OLAAA), including a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

Career/Vocational Technical Education (CVTE)

- career/vocational technical education programs under the federal Carl D. Perkins Vocational and Technical Education Act of 1998 and M.G.L. c. 74.

Districts providing Title I services participate in Title I program monitoring during the same year they are scheduled for a Coordinated Program Review. Details regarding the Title I program monitoring process are available at: <http://www.doe.mass.edu/titlei/monitoring>.

COORDINATED PROGRAM REVIEW ELEMENTS

Team: Depending upon the size of a school district and the number of programs to be reviewed, a team of two to eight Department staff members conducts a Coordinated Program Review over two to ten days in a school district or charter school.

Timing: Each school district and charter school in the Commonwealth is scheduled to receive a Coordinated Program Review every six years and a mid-cycle special education follow-up visit three years after the Coordinated Program Review; about sixty school districts and charter schools are scheduled for Coordinated Program Reviews in 2008-2009. The Department's 2008-2009 schedule of Coordinated Program Reviews is posted on the Department's web site at <http://www.doe.mass.edu/pqa/review/cpr/cprschedule09.doc>. The statewide six-year Program Review cycle, including the Department's Mid-cycle follow-up monitoring schedule, is posted at <<<http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html>>>.

Criteria: The Program Review criteria for each program encompass the requirements selected for possible review. Within special education, reviews focus primarily on the 19 criteria marked by a triple asterisk (***) in the School District Information Package for Special Education. These 19 criteria mostly contain requirements that are highlighted in the Massachusetts State Performance Plan. Based on feedback, the Department agreed to add an additional 28 criteria to those Coordinated Program Reviews conducted during the period of March to June of 2009. In any review, however, if circumstances warrant it, the Department may monitor additional special education criteria. For more details, please see the section on **Special Education Program Review Criteria** at the beginning of the School District Information Package for Special Education.

Methods: Methods used in reviewing programs include:

- Review of documentation about the operation of the charter school or district's programs.
- Interviews of administrative, instructional, and support staff across all grade levels.
- Interviews of parent advisory council (PAC) representatives and other telephone interviews as requested by other parents or members of the general public.
- Review of student records for special education (and for student accommodation plans under Section 504), English learner education, and career/vocational technical education. The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
- Surveys of parents of students with disabilities and parents of English learners. Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the district's implementation of

special education programs, related services, and procedural requirements; parents of English learners whose files are selected for the record review are sent a survey of their experiences with the district's implementation of the English learner education program and related procedural requirements.

- Observation of classrooms and other facilities. The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

Note on collaborative programs and services. Where the district is a member of a collaborative approved by the Department of Elementary and Secondary Education and is a site for programs or services operated by the collaborative, interviews, student record review, and observation of classrooms are conducted for the collaborative.

Report: Preparation:

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its Findings for the superintendent or charter school leader and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson will forward to the superintendent or charter school leader (and collaborative director where applicable) a Draft Report containing comments from the Program Review. These comments will, once the district has had a chance to respond, form the basis for any findings by the Department. The district (and collaborative) will then have 10 business days to review the report for accuracy before the publication of a Final Report with ratings and findings (see below). The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department's website at <http://www.doe.mass.edu/pqa/review/cpr/reports/>.

Content of Final Report:

Ratings. In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are "Commendable," "Implemented," "Implementation in Progress," "Partially Implemented," "Not Implemented," and "Not Applicable." "Implementation in Progress," used for criteria containing new legal requirements, means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

Findings. The onsite team includes a finding in the Final Report for each criterion that it rates "Commendable," "Partially Implemented," or "Not Implemented," explaining the basis for the rating. It may also include findings for other criteria.

Response: Where criteria are found "Partially Implemented" or "Not Implemented", the district or charter school must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan (CAP) will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department's review and approval. Department staff will offer districts and charter schools technical assistance on the content and requirements for developing an approvable CAP.

Department staff will also provide ongoing technical assistance as the school or district is implementing the approved corrective action plan. **School districts and charter schools**

must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department's Final Program Review Report.

The Department believes that the Coordinated Program Review is a positive experience and that the Final Report is helpful in planning for the continued improvement of programs and services in each school district, charter school, and educational collaborative.

INTRODUCTION TO THE FINAL REPORT

A five-member Massachusetts Department of Elementary and Secondary Education team visited Malden Public School District during the week of March 9, 2009 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, and English learner education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district.

The Department is submitting the following Coordinated Program Review Report containing findings made pursuant to this onsite visit. In preparing this report, the team reviewed extensive written documentation regarding the operation of the district's programs, together with information gathered by means of the following Department program review methods:

- Interviews of 20 administrative staff.
- Interviews of 34 teaching and support services staff across all levels.
- Interview of one parent advisory council (PAC) representative.
- Interview of one ELE parent.
- Interviews as requested by persons from the general public.
- Student record reviews: Samples of 23 special education student records, 20 English learner education student records. These student records were first examined by local staff, whose comments were then verified by the onsite team using standard Department record review procedures.
- Surveys of parents of students with disabilities: 45 parents of students with disabilities were sent surveys that solicited information about their experiences with the district's implementation of special education programs, related services and procedural requirements. Eight of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Surveys of parents of ELE students: 46 parents of ELE students were sent surveys that solicited information about their experiences with the district's implementation of English learner education programs, services, and procedural requirements. Five of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Observation of classrooms and other facilities. All instructional classrooms and other school facilities used in the delivery of programs and services at every level and setting were visited to examine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are:

- Component I: Assessment of Students**
- Component II: Student Identification and Program Placement**
- Component III: Parent and Community Involvement**
- Component IV: Curriculum and Instruction**
- Component V: Student Support Services**
- Component VI: Faculty, Staff and Administration**
- Component VII: School Facilities**
- Component VIII: Program Evaluation**
- Component IX: Recordkeeping and Fund Use**

The findings in each program area explain the “ratings,” determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially “Implemented” or implemented in a “Commendable” manner. (Refer to the “Definition of Compliance Ratings” section of the report.) Where criteria were found to be either “Partially Implemented” or “Not Implemented,” the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. In some instances the team may have rated a requirement as “Implemented” or “Implementation in Progress” but made a specific comment on the district’s implementation methods that also requires response from the district or charter school.

Districts are expected to incorporate the corrective action into their district and school improvement plans, including their professional development plans.

**Malden Public School District
SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Special Education	SE 4, SE 8 & SE 29		
Civil Rights and Other General Education Requirements	CR 6, CR 7, CR 10A, CR 14, CR 16 & CR 17A		
English Learner Education	ELE 10, ELE 12, ELE 13 & ELE 18		

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE” RATING.

DEFINITION OF COMPLIANCE RATINGS

Commendable	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
Implemented	The requirement is substantially met in all important aspects.
Implementation in Progress	The requirement includes one or more new federal special education requirements that became effective with the federal regulations on October 13, 2006. The district or charter school has implemented any previous requirements included in the criterion and is currently engaged in staff training and/or is beginning implementation practices for new requirements which the Department's onsite team anticipates will result in substantial compliance by the end of the 2007-2008 school year.
Partially Implemented	The requirement, in one or several important aspects, is not entirely met.
Not Implemented	The requirement is totally or substantially not met.
Not Applicable	The requirement does not apply to the school district or charter school.

SPECIAL EDUCATION

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER			
	Legal Standard		
SE 5	<p>Participation in general State and district-wide assessment programs</p> <ol style="list-style-type: none"> 1. All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs. 2. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. 3. The superintendent of a school district--or, for a public school program that is not part of a school district, the equivalent administrator— <ol style="list-style-type: none"> a. files an MCAS performance appeal for a student with a disability when the student's parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal; b. obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability; c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue. <p>State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p> <p>Federal Requirements 20 U.S.C. 1412(a)(16)</p>		
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table>	Rating: Implemented	District Response Required: No
Rating: Implemented	District Response Required: No		

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT
	Legal Standard
SE 15	<p>Outreach by the School District (Child Find)</p> <p>The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:</p> <ol style="list-style-type: none"> 1. professionals in community 2. private nursery schools 3. day care facilities 4. group homes 5. parent organizations 6. clinical /health care agencies

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
	7. early intervention programs 8. private/parochial schools 9. other agencies/organizations 10. the school or schools that are part of the district, including charter schools 11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Children <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> State Requirements </div> <div style="width: 45%;"> Federal Requirements 34 CFR 300.111; 300.131; 300.209 </div> </div>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 20	Least restrictive program selected 1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs. 2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. 3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum. 4. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program.		
	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> State Requirements G.L. c. 71B, § 3; 603 CMR 28.06(2) </div> <div style="width: 45%;"> Federal Requirements 34 CFR 300.114 – 120 </div> </div>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 22	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. 4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved. <p>State Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)</p> <p>Federal Requirements 34 CFR 300.323</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT		
	Legal Standard		
SE 24	<p>Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE</p> <ol style="list-style-type: none"> 1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. 2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities 		

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT		
	Legal Standard		
	<p>and to consult regarding the evaluators to be used.</p> <p>3. For all other actions, the district gives notice complying with federal requirements within a reasonable time.</p> <p>4. The school district provides the student's parent(s) with an opportunity to consult with the special education administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation</p> <p>5. The district provides parents with an opportunity to consult with the administrator of special education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments</p> <p>6. The school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's curriculum accommodation plan, including any pre-referral program.</p> <p>7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development.</p> <p>State Requirements G.L. c. 71B, § 3; 603 CMR 28.04(1)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.503; 300.504(a)(1)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 25	<p>Parental consent In accordance with state and federal law, the school district obtains informed parental consent as follows:</p> <p>1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education.</p> <p>2. The school district obtains consent before initiating extended evaluation services.</p> <p>3. The school district obtains consent to the services proposed on a student's IEP before providing such services.</p> <p>4. A parent is informed that consent may be revoked at any time. Except for</p>		

CRITERION NUMBER			
	Legal Standard		
	<p>conducts the Team meeting and documents its attempts to facilitate the parents' participation.</p> <p>State Requirements 603 CMR 28.02(21)</p> <p>Federal Requirements 34 CFR 300.322; 300.501</p>		
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table>	Rating: Implemented	District Response Required: No
Rating: Implemented	District Response Required: No		

CRITERION NUMBER			
	Legal Standard		
SE 27	<p>Content of Team meeting notice to parents The parent notice of any Team meeting states the purpose, time and location of the meeting as well as who will be in attendance.</p> <p>State Requirements</p> <p>Federal Requirements 34 CFR 300.322(b)(1)(i)</p>		
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 50%;">District Response Required: No</td> </tr> </table>	Rating: Implemented	District Response Required: No
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CRITERION NUMBER	
	Legal Standard
SE 29	<p>Communications are in English and primary language of home</p> <ol style="list-style-type: none"> 1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented. 2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written

CRITERION NUMBER			
	Legal Standard		
	documentation (1) that it has provided such notice in an alternate manner, (2) of the content of the notice and (3) of the steps taken to ensure that the parent understands the content of the notice.		
	State Requirements 603 CMR 28.07(8)	Federal Requirements 34 CFR 300.322(e); 300.503(c)	
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The student record review, document review, and staff interviews indicated that translations are not always provided across all levels and settings in the district, and that not all interpreters are fluent in the primary language of the home and/or familiar with special education procedures, programs and services.

CRITERION NUMBER			
	Legal Standard		
SE 32	<p>Parent advisory council for special education</p> <ol style="list-style-type: none"> 1. The school district has established a district-wide parent advisory council on special education. 2. Membership on the council is offered to all parents of children with disabilities and other interested parties. 3. The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs. 4. The parent advisory council has established by-laws regarding officers and operational procedures. 5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. 6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws. 		
	State Requirements G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)	Federal Requirements	
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION				
	Legal Standard				
SE 33	<p data-bbox="407 415 889 443">Involvement in the general curriculum</p> <ol data-bbox="407 449 1360 674" style="list-style-type: none"> 1. Reserved. 2. Reserved. 3. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. 4. In the IEP the district documents the student's participation in the general curriculum. <table border="0" data-bbox="407 716 1321 814" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p data-bbox="407 716 656 743">State Requirements</p> <p data-bbox="407 749 753 777">603 CMR 28.05(4)(a) and (b)</p> </td> <td style="width: 50%; vertical-align: top;"> <p data-bbox="980 716 1260 743">Federal Requirements</p> <p data-bbox="980 749 1321 814">34 CFR 300.320(a)(1)(i) and a(2)(i)(A); 300.321(a)(4)(ii)</p> </td> </tr> </table>			<p data-bbox="407 716 656 743">State Requirements</p> <p data-bbox="407 749 753 777">603 CMR 28.05(4)(a) and (b)</p>	<p data-bbox="980 716 1260 743">Federal Requirements</p> <p data-bbox="980 749 1321 814">34 CFR 300.320(a)(1)(i) and a(2)(i)(A); 300.321(a)(4)(ii)</p>
<p data-bbox="407 716 656 743">State Requirements</p> <p data-bbox="407 749 753 777">603 CMR 28.05(4)(a) and (b)</p>	<p data-bbox="980 716 1260 743">Federal Requirements</p> <p data-bbox="980 749 1321 814">34 CFR 300.320(a)(1)(i) and a(2)(i)(A); 300.321(a)(4)(ii)</p>				
	Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION				
	Legal Standard				
SE 34	<p data-bbox="407 1306 1029 1333">Continuum of alternative services and placements</p> <p data-bbox="407 1339 1406 1501">The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p> <table border="0" data-bbox="407 1543 1398 1604" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p data-bbox="407 1543 656 1570">State Requirements</p> <p data-bbox="407 1577 667 1604">603 CMR 28.05(7)(b)</p> </td> <td style="width: 50%; vertical-align: top;"> <p data-bbox="980 1543 1260 1570">Federal Requirements</p> <p data-bbox="980 1577 1398 1604">34 CFR 300.109; 300.110; 300.115</p> </td> </tr> </table>			<p data-bbox="407 1543 656 1570">State Requirements</p> <p data-bbox="407 1577 667 1604">603 CMR 28.05(7)(b)</p>	<p data-bbox="980 1543 1260 1570">Federal Requirements</p> <p data-bbox="980 1577 1398 1604">34 CFR 300.109; 300.110; 300.115</p>
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CRITERION NUMBER	
	Legal Standard
SE 37	<p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district placement. 2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement. 3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department. 4. <u>Written contracts</u>: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5). 5. <u>Use of unapproved programs</u>: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation. 6. <u>Placement documentation</u>: The following documentation is maintained by the school district pursuant to its placement of children in unapproved out-of-district programs: <ol style="list-style-type: none"> a. <u>Search</u>: The administrator of special education documents the search for and unavailability of a program approved by the Department. The administrator places such documentation in the student record. b. <u>Evaluation of facility</u>: The administrator of special education or his/her

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	Legal Standard
	<p>designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student’s IEP in a safe and educationally appropriate environment. Such evaluation additionally determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility.</p> <p>c. <u>School district approval to operate a private school in Massachusetts:</u> If services in an unapproved program are provided in a school setting, the administrator of special education ensures that such school has received approval from the local school committee under M.G.L. c.76, §1 and a copy of such approval is retained in the student record.</p> <p>d. <u>Pricing:</u> Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the administrator obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student’s tuition is the lowest price charged for similar services to any student in that program.</p> <p>e. <u>Notification of the Department of Elementary and Secondary Education:</u> Prior to placement, if the Team determines that placement in such facility is appropriate, the administrator notifies the Department of the intent to place the student and the name and location of the proposed placement before placing the student into the program by sending ESE a completed mandated 28M3 form titled “Notice of Intent to Seek Approval for Individual Student Program” and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as any documentation of the Department’s objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.</p> <p>f. <u>Out of state programs:</u> If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received</p>

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	<p style="text-align: center;">approval by the Department under 603 CMR 28.09, the administrator of special education ensures that such school has received approval from the host state.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements G.L. c. 76, s. 1; 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements 34 CFR 300.2(c)</p> </td> </tr> </table>	<p>State Requirements G.L. c. 76, s. 1; 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00</p>	<p>Federal Requirements 34 CFR 300.2(c)</p>	
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CRITERION NUMBER				
	Legal Standard			
SE 45	<p>Procedures for suspension up to 10 days and after 10 days: General requirements</p> <ol style="list-style-type: none"> 1. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below. 2. After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education. 3. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements G.L. c. 76, §§ 16-17</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements 34 CFR 300.530-300.537</p> </td> </tr> </table>	<p>State Requirements G.L. c. 76, §§ 16-17</p>	<p>Federal Requirements 34 CFR 300.530-300.537</p>	
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CRITERION NUMBER	
	Legal Standard
SE 46	<p>Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district</p> <ol style="list-style-type: none"> 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP—“a manifestation determination.” 3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is <u>NOT</u> a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer: <ol style="list-style-type: none"> a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur. 4. <u>Interim alternative educational setting.</u> Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days <ol style="list-style-type: none"> a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others. <p><u>Characteristics.</u> In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.</p> 5. If district personnel, the parent, and other relevant members of the Team determine that the behavior <u>IS</u> a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational

CRITERION NUMBER				
	Legal Standard			
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CRITERION NUMBER				
	Legal Standard			
SE 52A	<p>Registration of educational interpreters Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements 603 CMR 28.02(3),(18) </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements 34 CFR 300.34; 300.156(b) </td> </tr> </table>	State Requirements 603 CMR 28.02(3),(18)	Federal Requirements 34 CFR 300.34; 300.156(b)	
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CRITERION NUMBER				
	Legal Standard			
SE 53	<p>Use of paraprofessionals</p> <ol style="list-style-type: none"> 1. Reserved. 2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements </td> <td style="width: 50%; vertical-align: top;"> Federal Requirements 34 CFR 300.156 </td> </tr> </table>	State Requirements	Federal Requirements 34 CFR 300.156	
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CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
SE 55	<p>Special education facilities and classrooms The school district provides facilities and classrooms for eligible students that</p> <ol style="list-style-type: none"> 1. maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each child's IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; 4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and 5. are not identified by signs or other means that stigmatize such students. <p>State Requirements 603 CMR 28.03(1)(b)</p> <p>Federal Requirements Section 504 of the Rehabilitation Act of 1973</p>		
	Rating: Implemented	District Response Required:	No

Additional Criterion or Criteria Reviewed for this CPR :

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS		
	Legal Standard		
SE 1	<p>Assessments are appropriately selected and interpreted for students referred for evaluation</p> <ol style="list-style-type: none"> 1. Tests and other evaluation materials are: <ol style="list-style-type: none"> a. validated b. administered and interpreted by trained individuals c. tailored to assess specific areas of educational need and related developmental needs d. selected and administered to reflect aptitude and achievement levels and related developmental needs e. as free as possible from cultural and linguistic bias f. provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally g. not the sole criterion for determining an appropriate 		

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS		
	Legal Standard		
	<ul style="list-style-type: none"> h. educational program not only those designed to provide a single general intelligence quotient i. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors <p>2. In interpreting evaluation data and making decisions, the district:</p> <ul style="list-style-type: none"> a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent b. ensures that information obtained from these sources is considered c. ensures that the placement decision conforms with placement in the least restrictive environment d. includes information related to enabling the student to be involved in and progress in the general curriculum <p>State Requirements 603 CMR 28.04 603 CMR 28.05</p>	<p>Federal Requirements 34 CFR 300.304; 300.305; 300.306(c)</p>	
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	Legal Standard		
SE 2	<p>Required and optional assessments</p> <p>1. <u>Required assessments</u>: The following assessments are completed by appropriately credentialed and trained specialists for each referred student:</p> <ul style="list-style-type: none"> a. Assessment(s) in all areas related to the suspected disability (ies) including consideration of any needed assistive technology devices and services and/or instruction in braille. b. Educational assessment by a representative of the school district, including a history of the student's educational progress in the general curriculum. c. Assessment by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum 		

CRITERION NUMBER			
	Legal Standard		
	<p>Frameworks and the district’s general education curriculum, as well as an assessment of the student’s attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.</p> <p>d. For a child being assessed to determine eligibility for services at age three (3), an observation of the child’s interactions in the child’s natural environment or early intervention program is strongly encouraged together with the use of current assessments from early intervention Teams to avoid duplicate testing.</p> <p>2. <u>Optional assessments</u>: The Administrator of Special Education may recommend or the parent may request one or more of the following:</p> <p>a. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student’s school health records.</p> <p>b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.</p> <p>c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent</p> <p>3. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student’s parents the following:</p> <p>a. that no further assessments are needed and the reasons for this; and</p> <p>b. the right of such parents to request an assessment.</p> <p>State Requirements 603 CMR 28.04 (1) and (2)</p> <p>Federal Requirements 34 CFR 300.304; 300.305; 300.324(a)(2)(v)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 3	<p>Special requirements for determination of specific learning disability When a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement.</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.8(c)(10); 300.311</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 4	<p>Reports of assessment results</p> <ol style="list-style-type: none"> 1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. 2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion. <p>State Requirements 603 CMR 28.04(2)(c)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The student record review and staff interviews indicated that some related service providers across the district did not always detail the student's needs, and offer explicit means of meeting those needs, in the summary of their evaluation reports.

CRITERION NUMBER			
	Legal Standard		
SE 6	<p>Determination of transition services</p> <ol style="list-style-type: none"> 1. The Team discusses the student’s transition needs annually beginning no later than when the student is 15 years old and documents its discussion on the Transition Planning Form. 2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate. 3. Reserved 4. For any student approaching graduation or the age of twenty-two, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c. 71B, §§12A-12C (known as Chapter 688). 5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives. 6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed. <p>State Requirements G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c)</p> <p>Federal Requirements 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 7	<p>Transfer of parental rights at age of majority and student participation and consent at the age of majority</p> <ol style="list-style-type: none"> 1. One year prior to the student reaching age 18, the district informs the student of his or her right at age 18 to make all decisions in relation to special education programs and services. 2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student to continue the student’s special education program. 3. The district continues to send the parent written notices and information, but the parent will no longer have decision-making authority, except as provided below. 		

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	Legal Standard		
	<p>(a) If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction</p> <p>(b) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making</p> <p>(c) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.</p>		
	State Requirements 603 CMR 28.07(5)	Federal Requirements 34 CFR 300.320(c), 300.520	
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 8	<p>IEP Team composition and attendance The following persons are members of the IEP Team and may serve in multiple roles:</p> <ol style="list-style-type: none"> 1. The child's parents. 2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district. 3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson). 4. a. If the student <i>may</i> be involved in a regular education program, a regular education teacher. If the student <i>is</i> involved in a regular education program, a regular education teacher of the student. 		

CRITERION NUMBER			
	Legal Standard		
	<p>b. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student.</p> <p>5. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses.</p> <p>6. Other individuals at the request of the student's parents.</p> <p>7. Reserved</p> <p>8. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 – 4 above.</p> <p>9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education.</p> <p>10. When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting. If the representative(s) does not attend the meeting, the school district takes other steps to obtain the participation of these agencies.</p> <p>11. Reserved</p> <p>12. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.</p> <p>13. Members of the Team attend Team meetings unless:</p> <p>a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting</p> <p>OR</p> <p>a. (i) the school district and parent agree that the member's attendance is not necessary or consent to the member's excusal AND (ii) the parent's agreement or consent is in writing AND (iii) the member submits in writing any input he or she has related to the IEP's development.</p>		
	<p>State Requirements 603 CMR 28.02(21)</p>		<p>Federal Requirements 34 CFR 300.116(a); 300.321; 300.328 See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, Question #22</p>
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The student record review and staff interviews demonstrated that IEP Team meetings do not consistently have a regular education teacher in attendance when required, particularly at the high school level.

CRITERION NUMBER				
	Legal Standard			
SE 9	<p>Timeline for determination of eligibility and provision of documentation to parent Within forty-five school working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation, the school district determines whether the student is eligible for special education and provides to the parent either a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility.</p> <p>State Requirements 603 CMR 28.05(1); 28.06(2)(e)</p>			
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CRITERION NUMBER	
	Legal Standard
SE 9A	<p>Elements of the eligibility determination; general education accommodations and services for ineligible students</p> <ol style="list-style-type: none"> 1. To determine whether a student is eligible for special education, the school district: <ol style="list-style-type: none"> a. provides an evaluation or re-evaluation b. convenes a Team meeting c. determines whether the student has one or more disabilities d. determines if the student is making effective progress in school e. determines if any lack of progress is a result of the student's disability f. determines if the student requires special education and/or related services in order to make effective progress or if the student requires related services in order to access the general curriculum 2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that regular education program. 3. When the student does not need any direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program. 4. When the student's lack of progress is due to a lack of instruction in reading or mathematics or limited English proficiency or social maladjustment, or is due to an inability to meet the school discipline code but is not due to a disability, the district makes a finding of no eligibility for special education and may refer the student to a more appropriate instructional program or support service.

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	Legal Standard			
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CRITERION NUMBER				
	Legal Standard			
SE 10	<p>End of school year evaluations If consent is received between 30 and 45 school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">State Requirements 603 CMR 28.05(1)</td> <td style="width: 50%; border: none;">Federal Requirements 34 CFR 300.323</td> </tr> </table>	State Requirements 603 CMR 28.05(1)	Federal Requirements 34 CFR 300.323	
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CRITERION NUMBER	
	Legal Standard
SE 11	<p>School district response to parental request for independent educational evaluation If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:</p> <ol style="list-style-type: none"> 1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed. 2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done

CRITERION NUMBER			
	Legal Standard		
	<p>by the school district.</p> <p>3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.</p> <p>4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.</p> <p>5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.</p> <p>6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.</p>		
	<p>State Requirements 603 CMR 28.04(5)</p>		<p>Federal Requirements 34 CFR 300.502</p>
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 12	<p>Frequency of re-evaluation</p> <p>1. When the student's needs warrant it or a parent or teacher requests it, the school district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that:</p>		

CRITERION NUMBER	
	Legal Standard
	<p>a. a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and</p> <p>b. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise.</p> <p>2. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a regular high school diploma or exceeded the age of eligibility.</p>
	<p>State Requirements 603 CMR 28.04(3)</p> <p>Federal Requirements 34 CFR 300.303; 300.305(e)</p>
	<p>Rating: Implemented</p> <p>District Response Required:</p> <p>No</p>

CRITERION NUMBER	
	Legal Standard
SE 13	<p>Progress Reports and content</p> <p>1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.</p> <p>2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP.</p> <p>3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.</p>
	<p>State Requirements 603 CMR 28.07(3)</p> <p>Federal Requirements 34 CFR 300.305(e)(3); 300.320(a)(3)</p>
	<p>Rating: Implemented</p> <p>District Response Required:</p> <p>No</p>

CRITERION NUMBER			
	Legal Standard		
SE 14	<p>Review and revision of IEPs</p> <ol style="list-style-type: none"> 1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate. 2. Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated. <p>State Requirements 603 CMR 28.04(3)</p> <p>Federal Requirements 34 CFR 300.324(a)(4), (6) and (b)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 17	<p>Initiation of services at age three and Early Intervention transition procedures</p> <ol style="list-style-type: none"> 1. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements. 2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs. <p>State Requirements 603 CMR 28.06(7)(b)</p> <p>Federal Requirements 34 CFR 300.101(b); 300.124; 300.323(b)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 18A	<p>IEP development and content</p> <ol style="list-style-type: none"> 1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting. 2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education. 3. The school district ensures that the IEP will not be changed at a higher administrative level within the district. <p>State Requirements 603 CMR 28.05(3)</p> <p>Federal Requirements IDEA-97: 34 CFR Part 300, Appendix A, Question #22</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 18B	<p>Determination of placement; provision of IEP to parent</p> <ol style="list-style-type: none"> 1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP. 2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education. 3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the child, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided. 4. Reserved. 5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases. <p>State Requirements 603 CMR 28.05(6) and (7); 28.06(2)</p> <p>Federal Requirements 34 CFR 300.116; 300.325</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER				
	Legal Standard			
	<p>3. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction.</p> <p>4. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided.</p> <p>5. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student’s IEP reflect the comprehensive nature of the educational program required.</p> <p>6. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs.</p> <p>State Requirements G.L. c. 69, § 1G 603 CMR 28.05(4)(d) and (5)(c)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.106</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
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CRITERION NUMBER				
	Legal Standard			
SE 25A	<p>Sending of copy of notice to Special Education Appeals Within five calendar days of receiving a notice that a parent is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the school district sends a copy of the notice to Special Education Appeals.</p> <p>State Requirements 603 CMR 28.08(3)(b)</p> <p style="text-align: right;">Federal Requirements</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
SE 25B	<p>Resolution of disputes</p> <p>1. Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with</p>

CRITERION NUMBER					
	Legal Standard				
	<p>the parent(s) and the relevant member(s) of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute. The resolution session may be waived if the district and the parents agree in writing to do so or if they agree to use mediation instead.</p> <p>2. If the dispute is resolved at the resolution session, the parent(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three business days of the signing.</p>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Requirements</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td></td> <td>34 CFR 300.510</td> </tr> </table>	State Requirements	Federal Requirements		34 CFR 300.510
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Rating: Implemented	District Response Required:	No			

CRITERION NUMBER					
	Legal Standard				
SE 36	<p>IEP implementation, accountability and financial responsibility</p> <ol style="list-style-type: none"> 1. Reserved. 2. The district oversees in an ongoing manner the full implementation of each in-district and each out-of-district IEP it proposes which has been consented to by a child's parents. 3. Reserved. 4. The district provides all programs and services without expense to the child's parents. 5. Each time the school district proposes to access the parent's private insurance to support the costs of IEP implementation, the school district obtains the parent's consent and informs the parents that their refusal to permit the school district to access their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents. 				
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Rating: Implemented	District Response Required:	No			

CRITERION NUMBER			
	Legal Standard		
	<p>school is invited to participate as a member of the Team pursuant to §28.05. The district provides an IEP for any such private school child who is found eligible for special education and/or related services.</p> <ol style="list-style-type: none"> 4. The district provides special education and/or related services designed to meet the needs of eligible children who are attending private schools at private expense and whose parents reside in the district, and does so according to a properly developed IEP. The district provides to such children genuine opportunities to participate in a public school special education program consistent with state constitutional limitations. 5. In providing or arranging for the provision of the special education and/or related services described by the child's IEP, the district ensures that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services are provided on public or private school grounds. When the child attends a private school located outside of the district, the district makes reasonable efforts to provide or arrange for the provision of services for the child in the community where the school is located. 6. The district does not withdraw or withhold services from a child whose parents reside in the district solely because the district has met the spending requirements of federal law. 7. Special education services and/or related services for a private school child whose parents reside in the district are comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equal importance. 8. An expedited special education evaluation, which is limited to a child's physician statement unless there is a clear indication of the need or unless the parents request additional evaluation, is conducted and services provided to eligible students whose parents reside in the district within 15 calendar days of the district's receipt of the child's physician statement. 9. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state. <p>State Requirements G.L. c. 71B, section 2 603 CMR 28.03(1)(e)</p> <p>Federal Requirements 34 CFR 300.130-144; 300.300(d)(4)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
SE 39B	<p>Procedures used to provide services to eligible students who are enrolled at private expense in private schools in the district and whose parents reside out of state</p> <ol style="list-style-type: none"> 1. The district conducts child find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district. 2. For students enrolled at private expense in private schools in the district and whose parents reside out of state, the district consults with the private schools in accordance with federal requirements. It conducts evaluations and determines eligibility in accordance with state and federal requirements. 3. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state. 4. If the district provides services to any eligible private school student from out of state, it does so using an individual services plan. <p>State Requirements 603 CMR 28.02(7); 28.04; 28.05(2)</p> <p>Federal Requirements 34 CFR 300.130-144; 300.301-311</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 41	<p>Age span requirements The ages of the youngest and oldest child in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the Commissioner of Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education.</p> <p>State Requirements 603 CMR 28.06(6)(f)</p> <p>Federal Requirements</p>		
	Rating: Implemented	District Response Required:	No

**CIVIL RIGHTS
METHODS OF ADMINISTRATION (CR)
AND
OTHER RELATED GENERAL EDUCATION
REQUIREMENTS**

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
<p style="text-align: center;">CR 3</p> <p>Access to a full range of education programs All students, regardless of race, color, sex, religion, national origin, sexual orientation, disability, or homelessness, have equal access to the general education program and the full range of any occupational/vocational education programs offered by the district.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 2004: 20 U.S.C. 1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p>			
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
<p style="text-align: center;">CR 4</p> <p>Placement of female students, male students, homeless students, students with disabilities, and students from linguistic and racial/ethnic groups Patterns of placement in district programs and services for female students, male students, homeless students, students with disabilities, and students from various linguistic and racial/ethnic groups are consistent with patterns of placement for other students. If these patterns of placement are not consistent, the district is able to demonstrate that placements have been made for valid educational reasons.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; G.L. c. 71A, s. 7; c. 71B, s. 6; c. 76, s. 5; 603 CMR 26.03</p>			
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER				
	Legal Standard			
CR 6	<p>Availability of in-school programs for pregnant students</p> <ol style="list-style-type: none"> 1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave. 2. The district does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician. <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 30%;">District Response Required:</td> <td style="width: 20%;">Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required:	Yes
Rating: Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

Review of documentation demonstrated that although the district provides programs for pregnant students, the district's policy contains language requiring the student to provide a physician's letter certifying that the student is allowed to remain in, or return to, school. There is no indication that such certification is required for students with other physical or emotional conditions requiring a physician's attention.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT
	Legal Standard
CR 7	<p>Information to be translated into languages other than English</p> <ol style="list-style-type: none"> 1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages. 2. School or program recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills. <p>Title VI; EEOA: 20 U.S.C. 1703(f); G.L. c. 76, s. 5; 603 CMR 26.02(2)</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT		
	Legal Standard		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The review of documentation and interviews of school personnel revealed that while the district has translated documents at some schools (for instance the student handbooks for all K-8 schools have been translated into eight languages), the high school handbook and other high school publications are not available in other languages. The district’s system of oral interpretation differs from school to school, with some schools having appropriate systems in place, and others having ad hoc systems that may consist of using any available second language speakers, including students who are nearby, to interpret. In addition, please see SE 29.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
CR 7A	<p>School year schedules</p> <ol style="list-style-type: none"> 1. Before the beginning of each school year, the school district sets a school year schedule for each school. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary school in the district, and these schools are in operation for at least 180 days a year for these students. 2. The school district ensures that unless his or her IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the school district operates separate middle schools, it designates each one as either elementary or secondary. 3. Where the school district sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the district schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students. <p>G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER		
	Legal Standard	
<p>CR 7B</p>	<p>Structured learning time</p> <ol style="list-style-type: none"> 1. The school district ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by G.L. c. 71, s. 3). The district's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments. 2. The district ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP or Section 504 Accommodation Plan. 3. The hours spent in any type of structured learning time are verified by the school district. Where the school district counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified. <p>G.L. c. 69, § 1G; 603 CMR 27.02, 27.04</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
<p>CR 7C</p>	<p>Early release of high school seniors</p> <p>When the school district schedules the early release at the end of the year of the senior class of a high school, it does so in a way that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors' school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p> <p>G.L. c. 69, § 1G; 603 CMR 27.05</p>	

CRITERION NUMBER				
	Legal Standard			
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
CR 8	<p>Accessibility of extracurricular activities Extracurricular activities sponsored by the district are nondiscriminatory in that:</p> <ol style="list-style-type: none"> 1. the school provides equal opportunity for all students to participate in intramural and interscholastic sports; 2. extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation, disability, or homelessness. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.41; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(a), (c); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; G.L. c. 76, § 5; 603 CMR 26.06</p>			
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CRITERION NUMBER	
	Legal Standard
CR 9	<p>Hiring and employment practices of prospective employers of students</p> <ol style="list-style-type: none"> 1. The district requires employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices. 2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experience. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(1),(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.38; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v), 104.37(a); Title II:</p>

CRITERION NUMBER	
	Legal Standard
	42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); G.L. c. 76, § 5; 603 CMR 26.07(5)
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES		
	Legal Standard		
CR 10A	<p>Student handbooks and codes of conduct</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> a) The district has a code of conduct for students and one for teachers. b) The principal of every school containing grades 9-12 prepares, in consultation with the school council, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the school council reviews and revises the student code of conduct every year. c) The principal of every school containing other grades distributes the district’s student code of conduct to students, parents, and personnel annually. d) At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language. 2. Student codes of conduct contain: <ol style="list-style-type: none"> a) procedures assuring due process in disciplinary proceedings and b) appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans. 3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain: <ol style="list-style-type: none"> a) a nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, religion, or sexual orientation, or discrimination on those same bases; b) the school’s procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and c) the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred. <p>Section 504; G.L. c. 71, § 37H; 603 CMR 26.08</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The documentation review indicated that while the district does describe a discrimination policy, it does not list sexual orientation as one of the bases of discrimination. Further, the district outlines the procedure for accepting, investigating, and resolving complaints alleging discrimination or harassment in two separate sections of the handbook, but does not indicate the disciplinary measures that the district or school may impose if it determines that harassment or discrimination occurred.

CRITERION NUMBER				
	Legal Standard			
CR 11A	<p>Designation of coordinator(s); grievance procedures</p> <ol style="list-style-type: none"> 1. The district has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II. 2. The district has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability. <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
CR 12A	<p>Annual and continuous notification concerning nondiscrimination and coordinators</p> <ol style="list-style-type: none"> 1. If the district offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 2. In all cases, the district takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the district, that it does not discriminate on the basis of race, color, national origin, sex, or disability. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 3. Written materials and other media used to publicize a school include a notice that the school does not discriminate on the basis of race, color, national origin, sex, disability, religion, or sexual orientation. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.8(a), 106.9; Section 504: 29 U.S.C. 794; 34 CFR 104.8; G.L. c. 76, § 5; 603</p>

CRITERION NUMBER	
	Legal Standard
	CMR 26.02(2)
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CR 13	<p>Availability of information and academic counseling on general curricular and occupational/vocational opportunities Students from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive, in grades 7-12, the same information and academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.03</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CR 14	<p>Counseling and counseling materials free from bias and stereotypes To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> 1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results;

CRITERION NUMBER			
	Legal Standard		
	<p>3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district;</p> <p>4. provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand;</p> <p>5. support students in educational and occupational pursuits that are nontraditional for their gender.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.04, 26.07(8)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Document reviews and interviews of district personnel revealed that the district does not always provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand.

CRITERION NUMBER			
	Legal Standard		
CR 15	<p>Non-discriminatory administration of scholarships, prizes and awards Scholarships, prizes and awards sponsored or administered by the district are free of restrictions based upon race, color, sex, religion, national origin, sexual orientation or disability. Schools may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.37; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); Mass. Const. amend. art. 114; G.L. c. 76, § 5; 603 CMR 26.07(7)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 16	<p>Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion</p> <p>1. Within ten days from a student’s fifteenth consecutive unexcused absence, the school provides written notice to students age 16 or over and their parents or guardians. The notice is in English and the family’s native language and states that the student and the parent or guardian may meet with a representative of the district within ten days from the date the notice was sent. At the request of the parent or guardian, the district may consent to an extension of the time for the meeting of not longer than fourteen days.</p> <p>2. At the meeting the participants discuss the reasons that the student is leaving school and alternative educational or other placements. The student and parent or guardian are told that attendance is voluntary after the student turns 16 but are also informed of the student’s right to return to school.</p> <p>3. Any district serving students in high school grades sends annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school</p> <p>a) to inform them of the availability of publicly funded post-high school academic support programs and</p> <p>b) to encourage them to participate in those programs.</p> <p>At a minimum, the district sends annual written notice by first class mail to the last known address of each such student who attended a high school in the district within the past two years.</p> <p>G.L. c. 76, §§ 5, 18; St. 1965, c. 741</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The document review, student record review, and interviews of school personnel indicated that the district has procedures in place to communicate with students who have not attended Malden High School for 15 consecutive days, or who are contemplating leaving school without a diploma. The district has programs on site, and agreements with Bunker Hill Community College to provide students with access to a number of appropriate programs. However, there is no evidence that the district sends annual written notice to the last known address of each student who has not yet earned their competency determination and has not transferred to another school, to inform these students of the availability of publicly funded post-high school academic support programs and to encourage them to participate in those programs.

CRITERION NUMBER			
	Legal Standard		
<p>CR 17A</p>	<p>Use of physical restraint on any student enrolled in a publicly-funded education program</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> a) The district has developed and implemented staff training at least annually on the use of physical restraint consistent with regulatory requirements. Such training occurs within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. b) At the beginning of each school year, each school identifies staff authorized to serve as schoolwide resources to help ensure the proper administration of physical restraint. Staff so identified have completed in-depth training in the use of physical restraint consistent with 603 CMR 46.03(3) and (4). 2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Elementary and Secondary Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint. 3. The district has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students. 4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department consistent with the regulations. 5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations. <p>G.L. c. 71, s. 37G; 603 CMR 46.00</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Staff interviews and the documentation review demonstrated that while the district has procedures in place regarding the appropriate responses to student behavior and the actual administration of physical restraint by appropriately trained staff, the district has not consistently implemented staff training annually on the overview of the use of physical restraint at each school and does not ensure the training occurs within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
CR 18	<p>Responsibilities of the school principal</p> <ol style="list-style-type: none"> 1. Instructional support. The principal in each of the district’s schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the administrator of special education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. 2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district’s general education program to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. <i>(The plan may be part of a multi-year strategic plan.)</i> 3. Coordination with special education. The principal with the assistance of the administrator of special education coordinates the delivery and supervision of special education services within each school building. 4. Educational services in home or hospital. Upon receipt of a physician’s written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the administrator for special education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student’s IEP.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 18A	<p>School district employment practices District employment practices in general are free from discrimination on the basis of race, color, national origin, sex, or disability. In particular, the district’s faculty salary scales are based on the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability, and the district’s employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 20	<p>Staff training on confidentiality of student records The district trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, s. 34H, and 603 CMR 23.00 and on the importance of information privacy and confidentiality.</p> <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; G.L. c. 71, § 34H; 603 CMR 23.00, esp. 23.05(3)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER				
	Legal Standard			
CR 21	<p>Staff training regarding civil rights responsibilities The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2), (3)</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
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CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES				
	Legal Standard				
CR 22	<p>Accessibility of district programs and services for students with disabilities In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational and vocational programs and services offered at each level (preschool, elementary and secondary).</p> <p>Section 504: 29 U.S.C. 794; 34 CFR 104.21,104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)(1)</p>				
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CRITERION NUMBER	
	Legal Standard
CR 23	<p>Comparability of facilities Where the district provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the district, including:</p> <ol style="list-style-type: none"> 1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district; 2. separate toilet, locker room, and shower facilities for students of one gender that are comparable in size, condition, number and location to those provided

CRITERION NUMBER			
	Legal Standard		
	<p>students of the other gender.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.33, 106.40(b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
CR 24	<p>Curriculum review The district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.</p> <p>G.L. c. 76, § 5; 603 CMR 26.05(2)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 25	<p>Institutional self-evaluation The district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. It makes such changes as are indicated by the evaluation.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; G.L. c. 71A, § 7; c. 76, § 5;</p>		

CRITERION NUMBER			
	Legal Standard		
	603 CMR 26.07(1),(4)		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING		
	Legal Standard		
CR 26A	<p>Confidentiality and student records</p> <ol style="list-style-type: none"> 1. In accordance with federal and state requirements, the district protects the confidentiality of any personally identifiable information that it collects, uses or maintains. 2. The district maintains and provides access to student records in accordance with federal and state requirements. <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; G.L. c. 71, § 34H; 603 CMR 23.05, 23.07</p>		
	Rating: Implemented	District Response Required:	No

ENGLISH LEARNER EDUCATION

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER	ENGLISH LEARNER EDUCATION I. ASSESSMENT OF STUDENT PROGRESS		
	Legal Standard		
ELE 1	<p>Annual Assessment</p> <ol style="list-style-type: none"> 1. The district annually assesses the English proficiency of all limited English proficient (LEP) students. 2. The following tests selected by the Massachusetts Board of Education are administered annually by qualified staff to students who are English learners: <ol style="list-style-type: none"> (a) the Massachusetts Comprehensive Assessment System (MCAS) in grades 3-12; and (b) the Massachusetts English Proficiency Assessment (MEPA) in grades 3-12, and the Massachusetts English Language Assessment – Oral (MELA-O) in grades K-12. <p>Authority: NCLB, Title I and Title III; G.L. c. 71A, § 7; 603 CMR 14.02</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	Legal Standard		
ELE 2	<p>MCAS</p> <p>Limited English proficient students participate in the annual administration of the MCAS (Massachusetts Comprehensive Assessment System) exam as required and in accordance with Department guidelines.</p> <p>Authority: NCLB, Title I, Title VI; G.L. c. 69, § 1I; c. 71A, § 7</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
<p>ELE 3</p>	<p>Initial Identification The district uses qualified staff and appropriate procedures and assessments to identify students who are limited-English-proficient and to assess their level of English proficiency in reading, writing, speaking, and listening.</p> <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71A, §§ 4, 5; 603 CMR 14.02; G.L. c. 76, § 5; 603 CMR 26.03</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
<p>ELE 4</p>	<p>Waiver Procedures</p> <ol style="list-style-type: none"> 1. Waivers may be considered based on parent request, providing the parent annually visits the school and provides written informed consent. Parents must be informed of their right to apply for a waiver and provided with program descriptions <i>in a language they can understand</i>. 2. Students who are under age 10, may only be granted waivers if (a) the student has been placed in an English language classroom for at least 30 calendar days, (b) the school certifies in no less than 250 words that the student “has special and individual physical or psychological needs, separate from lack of English proficiency” that requires an alternative program, and (c) the waiver is authorized by both the school superintendent and principal. All waiver requests and school district responses (approved or disapproved waivers) must be placed in the student’s permanent school record. For students under age 10, both the superintendent and the principal must authorize the waiver, and it must be made under guidelines established by, and subject to the review of the local school committee. These guidelines may, but are not required to, contain an appeals process. Students who are over age 10 may be granted waivers when it is the informed belief of the school principal and educational staff that an alternative program would be better for the student’s overall educational progress. Students receiving waivers may be transferred to an educationally recognized and legally permitted English language learner program other than a sheltered English immersion or two-way bilingual program. See 603 CMR 14.04 and ELE 5. 		

CRITERION NUMBER				
	Legal Standard			
	Authority: G.L. c. 71A, § 5; 603 CMR 14.04(3)			
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
ELE 5	<p>Program Placement and Structure</p> <ol style="list-style-type: none"> 1. The district places LEP students in <ol style="list-style-type: none"> a. “sheltered English immersion” (SEI) classrooms (SEI has two components, English as a Second Language (ESL)/English Language Development (ELD) instruction and sheltered content instruction as described in G.L. c. 71A, §§ 2 and 4); or b. “two-way bilingual” classrooms, in which students develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of an equal number of proficient English speakers and proficient speakers of the other language; or c. (for kindergarten students) either a sheltered English immersion, two-way bilingual, or an English-only language general education classroom with assistance in English language acquisition, including, but not limited to, ESL; or d. (as a result of an approved waiver) bilingual education or another educationally recognized and legally permitted English language learner program, in which the students are taught all courses required by law and by the school district. 2. Regardless of the program model, districts provide LEP students with content instruction that is based on the Massachusetts Curriculum Frameworks. 3. Regardless of the program model, districts provide ESL/ELD instruction that is based on the English Language Proficiency Benchmarks and Outcomes. 4. The district uses assessment data to plan and implement educational programs for students at different instructional levels. <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71A, §§ 2, 4, 7</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
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CRITERION NUMBER			
	Legal Standard		
ELE 6	<p>Program Exit and Readiness</p> <p>1. The district does not re-designate a student from Limited English Proficient (LEP) to Formerly Limited English Proficient (FLEP) until he or she is deemed English proficient and can participate meaningfully in all aspects of the district's general education program without the use of adapted or simplified English materials.</p> <p>2. Districts do not limit or cap the amount of time in which an LEP student can remain in a language support program. An LEP student only exits from such a program after he or she is determined to be proficient in English.</p> <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71A, § 4</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION III. PARENTAL INVOLVEMENT		
	Legal Standard		
ELE 7	<p>Parent Involvement</p> <p>The district develops ways to include parents or guardians of LEP students in matters pertaining to their children's education.</p> <p style="text-align: center;">Authority: Title VI; EEOA</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
ELE 8	<p>Declining Entry to a Program</p> <p>The district provides English language support to students whose parents have declined entry to a sheltered English immersion, two-way bilingual, or other ELE program.</p> <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71, §38Q1/2</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER				
	Legal Standard			
ELE 9	<p>Instructional Grouping</p> <ol style="list-style-type: none"> 1. The district only groups LEP students of different ages together in instructional settings if their levels of English proficiency are similar. 2. The district's grouping of students ensures that LEP students receive effective content instruction at appropriate academic levels and that ESL/ELD instruction is at the appropriate proficiency level and based on the English Language Proficiency Benchmarks and Outcomes. <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71A, § 4</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
ELE 10	<ol style="list-style-type: none"> 1. Upon identification of a student as LEP, and annually thereafter, a notice is mailed to the parents or guardians written where practicable in the primary/home language as well as in English, that informs parents of: <ol style="list-style-type: none"> (a) the reasons for identification of the student as LEP; (b) the child's level of English proficiency; (c) program placement and/or the method of instruction used in the program; (d) how the program will meet the educational strengths and needs of the student; (e) how the program will specifically help the child learn English; (f) the specific exit requirements; and (g) the parents' right to apply for a waiver (see ELE 4), or to decline to enroll their child in the program (see ELE 8). <p>(All districts need to comply with a-c and g. Title III districts must comply with a-g. Title III districts must send parental notification no later than 30 days after the beginning of the school year.)</p> 2. The district provides to parents and guardians of LEP students, report cards, and progress reports in the same manner and with the same frequency as general education reporting. The reports are, to the maximum extent possible, written in a language understandable to the parent/guardian. <p style="text-align: center;">Authority: NCLB, Title III, Part C, Sec. 3302(a), (c); G.L. c. 71A, § 7; 603 CMR 14.02</p>

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The documentation review, student record reviews, and interviews revealed that while the parental notification contains all the required elements, and is provided to the parent(s) of Limited English proficient (LEP) students upon identification, it is not provided to parents annually, as required

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES
	Legal Standard
ELE 11	<p>Equal Access to Academic Programs and Services</p> <ol style="list-style-type: none"> 1. The district does not segregate LEP students from their English-speaking peers, except where programmatically necessary, to implement an English learner education program. 2. The district ensures that LEP students participate fully with their English-speaking peers and are provided support in non-core academic courses. 3. The district ensures that LEP students have the opportunity to receive support services, such as guidance and counseling, in a language that the student understands. 4. The district ensures that LEP students are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs. 5. The district uses grade appropriate content objectives for LEP students that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members. 6. Reserved 7. The district provides access to the full range of academic opportunities and supports afforded non-LEP students, such as special education services, Section 504 Accommodation Plans, Title I services, career and technical education, and the supports outlined in the district’s curriculum accommodation plan. 8. Information in notices such as activities, responsibilities, and academic standards provided to all students is provided to LEP students in a language and mode of communication that they understand. <p>Authority: Title VI; EEOA; G.L. c. 71, § 38Q1/2; 603 CMR 28.03(3)(a); c. 71A, § 7; c. 76, § 5; 603 CMR 26.03; 603 CMR 26.07(8)</p>

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES		
	Legal Standard		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 12	<p>Equal Access to Nonacademic and Extracurricular Programs</p> <ol style="list-style-type: none"> 1. The district provides appropriate support, where necessary, to limited English proficient students to ensure that they have equal access to the nonacademic programs and extracurricular activities available to their English-speaking peers. 2. Information provided to students about extracurricular activities and school events is provided to LEP students in a language they understand. <p>Authority: Title VI; EEOA; G.L. c. 76, § 5; 603 CMR 26.06(2)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Staff interviews and the documentation review indicated that information provided to students about extracurricular activities and school events is not always provided to LEP students in a language they understand.

CRITERION NUMBER			
	Legal Standard		
ELE 13	<p>Follow-up Support</p> <p>The district actively monitors students who have exited an English learner education program for two years and provides language support services to those students, if needed.</p> <p>Authority: Title VI; EEOA; NCLB, Title III</p>		

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews indicated that although the district is launching a newly developed computer program that will allow ELL staff to more effectively monitor all district students who have exited an English learner education program for two years, it is not yet in effect, and the current monitoring of such students is inconsistent across school settings within the district.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
ELE 14	<p>Licensure Requirements</p> <ol style="list-style-type: none"> 1. Reserved. 2. (a) Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license under G.L. c.71, § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.) (b) Except at Commonwealth charter schools, <i>every</i> teacher or other educational staff member who teaches limited English proficient students holds an appropriate license or current waiver issued by the Department of Elementary and Secondary Education. (c) All teachers and other educational staff who teach LEP students, including those at Commonwealth charter schools, have received or are engaged in the professional development described in Attachment 1 to the commissioner’s memorandum of June 15, 2004. (See p. 8 at http://www.doe.mass.edu/ell/sei/qualifications.pdf.) 3. Except at Commonwealth charter schools, any director of English language learner programs who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language, Transitional Bilingual Education, or English Language Learners license. 4. If a district with 200 or more LEP students—including any Commonwealth charter school with 200 or more LEP students—has a director of English language learner programs, that director has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license even if he or she is employed in that position for less than one-half time. (This requirement does not apply separately to Horace Mann charter schools.)

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(qq); St. 2002, c. 218, §§ 24, 25, 30; 603 CMR 7.04(3), 7.09(3)		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 15	<p>Professional Development Requirements District schools with LEP students implement a professional development plan that provides teachers and administrators with high quality training, as prescribed by the Department, in (1) second language learning and teaching; (2) sheltering content instruction; (3) assessment of speaking and listening; and (4) teaching reading and writing to limited English proficient students. The school provides training opportunities to teachers of LEP students that ensure the progress of LEP students in developing oral comprehension, speaking, reading, and writing of English, and in meeting academic standards.</p> <p style="text-align: center;">Authority: NCLB, Title III</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
ELE 16	<p>Equitable Facilities The district ensures that LEP students are provided facilities, materials and services comparable to those provided to the overall student population.</p> <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 76, § 5; 603 CMR 26.07</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
ELE 17	<p>Program Evaluation The district conducts periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program. Where the district documents that the program is not effective, it takes steps to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.</p> <p style="text-align: center;">Authority: Title VI; EEOA</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IX. RECORD KEEPING		
	Legal Standard		
ELE 18	<p>Records of LEP Students LEP student records include:</p> <ul style="list-style-type: none"> (a) home language survey; (b) results of identification and proficiency tests and evaluations, including MELA-O, MEPA, MCAS, or other tests chosen by the Board of Education and the district; (c) information about students' previous school experiences; (d) copies of parent notification letters, progress reports and report cards (in the native language, if necessary); (e) evidence of follow-up monitoring (if applicable); (f) documentation of a parent's consent to "opt-out" of English learner education, if applicable; (g) waiver documentation, if applicable; and (h) Individual Student Success Plans for students who have failed MCAS, if the district is required to complete plans for non-LEP students. <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 69, § 1I; c. 71A, §§ 5, 7; 603 CMR 14.02, 14.04</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The student record review and staff interviews indicated that the elements of ELE records are presently being maintained with the student's cumulative folder at the Parent Information Center. Records particular to the student's LEP status are mixed in with other records, and cumulative folders do not always contain the elements required under this criterion. Further, interviews reveal that staff members responsible for students' English language education programs have difficulty accessing students' records and information.

Coordinated Program Review Final Reports are available at:

<http://www.doe.mass.edu/pqa/review/cpr/reports/>.

Profile information supplied by each charter school and school district, including information for individual schools within districts, is available at

<http://profiles.doe.mass.edu/>.

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