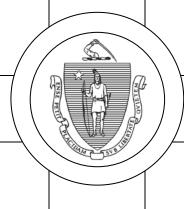


Millbury Public Schools

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

Dates of Onsite Visit: April 22-25, 2013 Date of Draft Report: June 4, 2013 Date of Final Report: August 15, 2013 Action Plan Due: September 17, 2013

Department of Elementary and Secondary Education Onsite Team Members: Suzanne Shaw, PQA, Chairperson Joan Brinckerhoff, PQA



Mitchell D. Chester, Ed.D. Commissioner of Elementary and Secondary Education

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION COORDINATED PROGRAM REVIEW REPORT

Millbury Public Schools

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MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION COORDINATED PROGRAM REVIEW REPORT Millbury Public Schools

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 2012 - 2013 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

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 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
- 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.
- The 2012 2013 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria

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 2012-2013 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 one to eight Department staff members conducts onsite activities over two to five 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 seventy school districts and charter schools are scheduled for Coordinated Program Reviews in 2012-2013, of which all districts participated in the Web-based Monitoring System (WBMS). The Department's 2012–2013 schedule of Coordinated Program Reviews is posted on the Department's web site at << http://www.doe.mass.edu/pqa/review/cpr/schedule.html>>. 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 WBMS review, begins with the district/school conducting a self-assessment across all fifty-two current special education criteria. Program Quality Assurance through its Desk Review procedures examines the district/school's self-assessment submission and determines which criteria will be followed—up on through onsite verification activities. For more details, please see the section on **The Web-based Approach to Special Education and Civil Rights Monitoring** at the beginning of the School District Information Package for Special Education and Civil Rights.

The requirements selected for review in all of the regulated programs are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993 to promote student achievement and high standards for all students.

WBMS Methods: Methods used in reviewing special education and civil rights programs include:

Self-Assessment Phase:

- District/school review of special education and civil rights documentation for required elements including document uploads. Upon completion of this portion of the district/school's self-assessment, it is submitted to the Department for review.
- District/school review of a sample of special education student records selected across grade levels, disability categories and level of need. Additional requirements for the appropriate selection of the student record sample can be found in **Appendix II: Student Record Review Procedures** of the School District Information Package for Special Education

Upon completion of this portion of the district/school's self-assessment, it is submitted to the Department for review.

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On-site Verification Phase: Includes activities selected from the following;

- Interviews of administrative, instructional, and support staff consistent with those criteria selected for onsite verification.
- 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: The Department may select a sample of
 student records from those the district reviewed as part of its self-assessment, as well as
 records chosen by the Department from the special education student roster. The onsite
 team will conduct this review, using standard Department procedures, to determine
 whether procedural and programmatic requirements have been implemented.
- Surveys of parents of students with disabilities: 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.
- 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.
- Review of additional documents for special education or civil rights.

Methods for all other programs in the Coordinated Program Review:

- 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.
- Telephone interviews as requested by other parents or members of the general public.
- Review of student records for 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 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.

Report: Preparation:

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its comments 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. The Draft Report comments for special education and civil rights are provided to the district/school on-line

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through the Web-based Monitoring System (WBMS). 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 or updated 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," "Not Implemented," or "Implementation in Progress," explaining the basis for the rating. It may also include findings for other related 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.

INTRODUCTION TO THE FINAL REPORT

A two-member Massachusetts Department of Elementary and Secondary Education team visited Millbury Public Schools during the week of April 22, 2013 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 8 administrative staff.
- Interviews of 36 teaching and support services staff across all levels.
- Interview of one parent advisory council (PAC) representative.
- Telephone interviews as requested by persons from the general public.
- Student record reviews: Samples of 46 special education student records and 10 English learner education student records were selected by the Department. 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: Fifty 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. Seventeen of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Surveys of parents of ELE students: Ten 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. A sample of 8 instructional classrooms and other school facilities used in the delivery of programs and services was 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: 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

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

Millbury Public Schools

SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT REQUIRING CORRECTIVE ACTION

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Special Education	SE 3, SE 4, SE 8, SE 9, SE 14, SE 18A, SE 18B, SE 20, SE 24, SE 25A, SE		
	25B, SE 29, SE 46		
Civil Rights and Other	CR 3, CR 7, CR 8, CR 9,		
General Education	CR 10A, CR 10B, CR 12A,		
Requirements	CR 14, CR 15, CR 18, CR23, CR 24, CR 25		

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 This rating is used for criteria containing new or

updated legal requirements and 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.

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, COMPLIANCE RATINGS AND FINDINGS

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENTS		
	Legal Standard		
SE 1	Assessments are appropriately selected and interpreted for students reference for evaluation		
	Tests and other evaluation materials as a. validated	re:	
	b. administered and interpreted by trained individuals		
	c. tailored to assess specific areas of developmental needs		
		ct aptitude and achievement levels and	
	e. as free as possible from cultural ar		
	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 educational program h. 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 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		
	2. In interpreting evaluation data and making decisions, the district:		
 a. uses information from a variety of sources to gather relevant fun developmental information, including information provided by the ensures that information obtained from these sources is considered. c. ensures that the placement decision conforms with placement in restrictive environment. 		sources to gather relevant functional and ling information provided by the parent from these sources is considered	
	d. includes information related to enabling the student to be involved in and progress in the general curriculum		
	State Requirements	Federal Requirements	
	603 CMR 28.04 603 CMR 28.05		
	Rating: Implemented District Response Required: No		

	Legal Standard		
GE 4	Required and optional assessments		
SE 2	1. Required assessments: The following	g assessments are completed by	
		d specialists for each referred student:	
		I to the suspected disability (ies) including	
	consideration of any needed assi instruction in braille.	stive technology devices and services and/or	
		resentative of the school district, including a	
		nal progress in the general curriculum.	
		current knowledge regarding the student's	
		arning standards of the Massachusetts	
		district's general education curriculum, as	
		ent's attention skills, participation	
		memory, and social relations with groups,	
	peers, and adults.	memory, and social relations with groups,	
		ermine eligibility for services at age three	
		interactions in the child's natural	
		n program is strongly encouraged together	
		nts from early intervention Teams to avoid	
	duplicate testing.	its from earry intervention reams to avoid	
	_	rator of Special Education may recommend	
	or the parent may request one or mor		
		ent by a physician that identifies medical	
		affect the student's education. The school	
	nurse may add additional relevant health information from the student's school health records.		
		certified school psychologist, licensed	
		onal psychologist, including an individual	
	psychological examination.	onai psychologist, including an individual	
		conducted by a purea psychologist social	
		conducted by a nurse, psychologist, social counselor, or teacher and includes	
		nistory and home situation and may include	
	a home visit, with the agreement	o additional assessments are needed to	
	determine whether the student continues to be eligible for special education, school district recommends to the student's parents the following: a. that no further assessments are needed and the reasons for this; and b. the right of such parents to request an assessment.		
	b. the right of such parents to reque State Requirements	Federal Requirements	
	603 CMR 28.04 (1) and (2)	34 CFR 300.304; 300.305;	
		300.324(a)(2)(v)	
	Rating: Implemented	District Response Required: No	

CRITERION NUMBER			
	Legal Standard		
SE 3	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.		
	State Requirements Federal Requirements		
		34 CFR 300.8(c)(10); 300.311	
	Rating: Partially Implemented	District Response Required: Yes	

Student records and staff interviews indicated that the district does not consistently complete the required written eligibility determination and four components used to determine eligibility: Historic review and educational assessment (SLD 1), Area of concern and evaluation method (SLD 2), Exclusionary factors (SLD 3) and Observation (SLD 4) for students suspected of having a specific learning disability.

CRITERION NUMBER		
	Legal Standard	
SE 4	 Reports of assessment results 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. 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.	
	State Requirements 603 CMR 28.04(2)(c)	Federal Requirements
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of student records indicated that assessment summaries do not consistently include a summary of the procedures employed by the evaluator, the results of the assessment, or the diagnostic impressions of the student's performance.

CRITERION NUMBER			
	Legal Standard		
SE 5	 Participation in general State and district-wide assessment programs 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. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. The superintendent of a school districtor, for a public school program that is not part of a school district, the equivalent administrator: 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; 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; includes in the MCAS performance appeal, to the extent possible, the 		
	issue. State Requirements Federal Requirements		
	St. 2003, c. 140, s. 119 603 CMR 30.05(2),(3),(5)	20 U.S.C. 1412(a)(16)	
	Rating: Implemented	District Response Required: No	

CRITERION NUMBER	
	Legal Standard
SE 6	 Determination of transition services The Team discusses the student's transition needs annually beginning no later than when the student is 14 years old and documents its discussion on the Transition Planning Form. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate. Reserved 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

CRITERION NUMBER		
	Legal Standard	
	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.	
	State Requirements Federal Requirements	
	M.G.L.c.71B, Sections 12A-C	34 CFR 300.320(b); 300.321(b);
	603 CMR 28.05(4)(c)	300.322(b)(2); 300.324(c)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
SE 7	 Transfer of parental rights at age of majority and student participation and consent at the age of majority One year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old. 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. The district continues to send the parent written notices and the parent will have the right to inspect the student's records, but the parent will no longer have decision-making authority, except as provided below: 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. 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 cosign 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. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decis		

CRITERION NUMBER		
	Legal S	tandard
	one representative of the school district and one other witness and is documented in written form and maintained in the student record.	
	State Requirements Federal Requirements	
	603 CMR 28.07(5)	34 CFR 300. 320(c), 300.520
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 8	 IEP Team composition and attendance The following persons are members of the IEP Team and may serve in multiple roles: The child's parents. 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. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson). a. If the student may be involved in a regular education program, a regular education teacher. If the student is involved in a regular education program, a regular education teacher of the student. 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. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses. Other individuals at the request of the student's parents. Reserved 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.	
	9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education.	
	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	

CRITERION NUMBER		
	Legal S	tandard
	to obtain the participation of these agencies. 11. Reserved 12. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting. 13. Members of the Team attend Team meetings unless: a. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR b. the district and the parent agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed OR c. the district and the parent agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent and the IEP team prior to the	
	meeting.	F-11D
	State Requirements 603 CMR 28.02(21). Part 1 of this criterion is related to State Performance Plan Indicator 8. Parts 5, 10, are related to Performance Plan Indicators 13 and 14. (See http://www.doe.mass.edu/sped/spp/.)	Federal Requirements 34 CFR 300.116(a), 300.321, 300.328. See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, to State Question #22
	Rating: Partially Implemented	District Response Required: Yes

Staff interviews and a review of student records indicated that IEP Teams do not consistently include a representative of the district with the authority to commit district resources or a general education teacher when a student is involved in a general education program.

CRITERION NUMBER		
	Legal S	tandard
SE 9	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.	
	State Requirements Federal Requirements	
	603 CMR 28.05(1); 28.06(2)(e)	
	Rating: Partially Implemented	District Response Required: Yes

According to student record review, the district does not consistently convene IEP Team meetings within 45 school working days after receipt of parents' written consent to an initial evaluation or reevaluation to determine student eligibility and either propose an IEP and placement or provide a written explanation of the finding of no eligibility.

CRITERION NUMBER		
	Legal S	tandard
SE 9A	Elements of the eligibility determination and services for ineligible students 1. To determine whether a student is eligible district: a. provides an evaluation or re-evaluate b. convenes a Team meeting c. determines whether the student hand. determines if the student is making e. determines if any lack of progress f. determines if the student requires order to make effective progress order to access the general curricuate. 2. If a Team determines that a student is be eligible for accommodation(s) for distudent is referred for consideration by regular education program. 3. When the student does not need any district makes a finding of no eligibility and inability to meet the school discipling district makes a finding of no eligibility student to a more appropriate instruction.	ible for special education, the school ation s one or more disabilities g effective progress in school is a result of the student's disability special education and/or related services in r if the student requires related services in lum not eligible for special education but may lisability(ies) under Section 504, the r the district for eligibility under that irect services, the Team makes a finding of are provided through the district's general due to a lack of instruction in reading or tency or social maladjustment, or is due to ne code but is not due to a disability, the sy for special education and may refer the onal program or support service.
	State Requirements	Federal Requirements
	603 CMR 28.05(1) and (2) Rating: Implemented	4 CFR 300.8; 300.306 District Response Required: No

CRITERION	
NUMBER	

	Legal Standard	
SE 10	End of school year evaluations	
SE 10	If consent is received between 30 and 45 s	chool 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.	
	State Requirements Federal Requirements	
	603 CMR 28.05(1)	34 CFR 300.323
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 11	 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: 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. 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 by the school district. 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. 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 does not pay for the independent educational evaluation requested by the parent. Whenever possible, the independent educational evaluation is com	

CRITERION NUMBER		
	Legal S	tandard
	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. 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.	
	State Requirements Federal Requirements	
	603 CMR 28.04(5)	34 CFR 300.502
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
SE 12	 Frequency of re-evaluation 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: a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise. 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. State Requirements Federal Requirements	
	603 CMR 28.04(3)	34 CFR 300.303; 300.305(e)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
	Progress Reports and content	
SE 13	 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. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP. 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.	
	State Requirements	Federal Requirements
	603 CMR 28.07(3)	34 CFR 300.305(e)(3); 300.320(a)(3)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal S	tandard	
SE 14	Review and revision of IEPs		
SE 14		,	
	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.		
	State Requirements Federal Requirements		
	603 CMR 28.04(3)	34 CFR 300.324(a)(4), (6) and (b)	
	Rating: Partially Implemented	District Response Required: Yes	

Staff interviews and a review of student records indicated that the district does not consistently convene annual IEP meetings on or before the anniversary date to review, revise, or develop a new IEP or refer the student for a re-evaluation.

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
SE 15	Outreach by the School District (Child In The district has annual or more frequent or groups below from which promotion or transfer education may be expected, or which would education: 1. professionals in community 2. private nursery schools 3. day care facilities 4. group homes 5. parent organizations 6. clinical /health care agencies 7. early intervention programs 8. private/parochial schools 9. other agencies/organizations 10. the school or schools that are part of the school or schools that are part of the school or schools that are part of the school of Schools or Schools that are part of the school of Sc	nutreach and continuous liaison with those consfer of students in need of special lid include students in need of special lid include students in need of special lide. The district, including charter schools less persons pursuant to the McKinney-
	State Requirements	Federal Requirements
	-	34 CFR 300.111; 300.131; 300.209
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 16	 Screening The school district conducts screening for three and four year olds and for all children who are of age to enter kindergarten. Such screening is designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services. Participation in the screening program for three and four year olds is optional on the part of the parents. 	
	State Requirements Federal Requirements	
	603 CMR 28.03(1)(d)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 17	 Initiation of services at age three and Early Intervention transition procedures The school district encourages 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. 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. State Requirements Federal Requirements	
	603 CMR 28.06(7)(b)	34 CFR 300.101(b); 300.124; 300.323(b)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 18A	 IEP development and content Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting. The IEP is completed addressing all elements of the most current format provided by the Department of Elementary and Secondary Education. The school district ensures that the IEP will not be changed at a higher administrative level within the district. Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.
	5. For students identified with a disability on the autism spectrum, the IEP Team

CRITERION NUMBER		
	Legal S	tandard
	must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.	
	State Requirements Federal Requirements	
	603 CMR 28.05(3); G.L.c. 71 B, section 3, as amended by Chapter 92 of the Acts of 2010	IDEA-97: 34 CFR Part 300, Appendix A, Question #22
	Rating: Partially Implemented	District Response Required: Yes

A review of student records demonstrated that whenever a student's evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment or teasing, the district does not always address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.

CRITERION NUMBER		
	Legal S	tandard
	Determination of placement; provision of	of IEP to parent
SE 18B	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. State Requirements	Federal Requirements
	603 CMR 28.05(6) and (7); 28.06(2)	34 CFR 300.116; 300.325
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Student records and staff interviews indicated that following the development of the IEP, the district does not provide the parent with two (2) copies of the proposed IEP and proposed placement.

CRITERION NUMBER		
	Legal S	tandard
SE 19	Extended evaluation If the Team finds a student eligible for spe information insufficient to develop a full or consent, agrees to an extended evaluation 1. The extended evaluation period is not determined to be necessary by the Team determines that sufficient inform necessary annual goals and services, the accepted by the parent, is immediately extended evaluation is occurring. 2. The extended evaluation period is not the required assessments. 3. If the parent consents to an extended explaining and determines what evaluation of information needed to develop an II intervals during the extended evaluation develop an IEP when the evaluation is	cial education and finds the evaluation or partial IEP, the Team, with the parents' period. used to deny programs or services m. If, prior to the extended evaluation, the nation is available to determine, in part, the Team writes a partial IEP that, if a implemented by the district while the used to allow additional time to complete evaluation, the Team documents their on time period is necessary and the types EP. The Team may decide to meet at on, but in all cases reconvenes promptly to
	5. The extended evaluation is not considered a placement.	
	State Requirements 603 CMR 28.05(2)(b)	Federal Requirements
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 20	 Least restrictive program selected 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. 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.

CRITERION NUMBER		
	Legal Standard	
	 The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum. 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. 	
	State Requirements	Federal Requirements
	M.G.L. c. 71B, § 3 603 CMR 28.06(2)	34 CFR 300.114-120
	Rating: Partially Implemented	District Response Required: Yes

A review of student records indicated that when a student is removed from the general education classroom, IEP teams do not always state why the removal is considered critical to the student's program.

CRITERION NUMBER	
	Legal Standard
SE 21	 School day and school year requirements The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary. The daily duration of the child's program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the child. In this case the Team specifies the daily duration of the program and states the reason for the different duration on the IEP. Specialized transportation schedules do not impede a student's access to a full school day and program of instruction. 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. 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. 6. Camping or recreation programs provided solely for recreational purposes and

CRITERION NUMBER		
	Legal S	tandard
	with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs.	
	State Requirements Federal Requirements	
	M.G.L. c. 69, § 1G 603 CMR 28.05(4)(d) and (5)(c)	34 CFR 300.106
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
TYCHIZZI	Legal S	Legal Standard	
SE 22	 IEP implementation and availability 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. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. 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.		
	State Requirements	Federal Requirements	
	603 CMR 28.05(7)(b); 28.06(2)(d)(2)	34 CFR 300.323	
	Rating: Implemented	District Response Required: No	

CRITERION NUMBER		DUCATION INVOLVEMENT
	Legal Standard	
SE 24	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 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 and to consult regarding the evaluators to be used. 3. For all other actions, the district gives notice complying with federal requirements within a reasonable time. 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 5. The district provides parents with an opportunity to consult with the	
	 to be used and the proposed content of all required and optional assessments 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. 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 s State Requirements	Federal Requirements
	M.G.L. c. 71B, § 3; 603 CMR 28.04(1) Rating: Partially Implemented	34 CFR 300.503; 300.504(a)(1) District Response Required: Yes

Student records indicated that the district does not consistently summarize the following on its Notice of Proposed School District Action (N1) for an evaluation or an IEP: 1) the district's proposed action; 2) the reason for the district's action; 3) any rejected options; 4) the evaluation procedures, test, record or report used as the basis for the proposed action; 5) other factors relevant to the school district's decision; or 6) recommended next steps.

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	Legal Standard		
G=	Parental consent		
SE 25	In accordance with state and federal law, th	ne school district obtains informed	
	parental consent as follows:	ntal consent hefers conducting an initial	
	1. The school district obtains written parental consent before conducting an evaluation and before making an initial placement of a student in a special		
	education program. Written parental co		
	reevaluation and before placing a stude		
	subsequent to the initial placement in s		
	2. The school district obtains consent before	ore initiating extended evaluation	
	services.		
		he services proposed on a student's IEP	
	before providing such services.4. A parent is informed that consent may	be revoked at any time. Except for initial	
		nt may not be required as condition of any	
	benefit to the child.	may not of required as condition or any	
	5. When the participation or consent of the	e parent is required and the parent fails or	
	refuses to participate, the attempts to se	*	
	implemented through multiple attempts		
	The state of the s	s may include letters, written notices sent	
	by certified mail, electronic mail (e-ma	I home visits at such time as the parent is	
	likely to be home. Efforts may include		
	service agency to secure parental partic		
	6. If, subsequent to initial evaluation and	initial placement and after following the	
	procedures required by the regulations,		
	parental consent to a re-evaluation or to	-	
	the parent whether such action will res	ment, the school district considers with	
	public education to the student. If, after		
		refusal to consent will result in a denial of	
	a free appropriate public education to t		
	dispute through the BSEA.		
	7. If the parent has given consent for spec	· · · · · · · · · · · · · · · · · · ·	
	time following, revokes his/her consen	_	
	_	ated to discontinue all special education	
	agreement or a ruling requiring the con	request a due process hearing to obtain	
	federal regulation. If a parent revokes of		
	promptly to provide written notice to the	•	
		on the revocation of consent, as well as	
	information on how the parent can obtain a copy of his/her right to procedural		
	safeguards. The district must provide the notice a reasonable time before the		
	district intends to discontinue the servi	ces. Federal Requirements	
	State Requirements 603 CMR 28.07(1)	34 CFR 300.300	
	This criterion is related to State	5 1 CTR 500.500	
	Performance Plan Indicator 8. (See		
	http://www.doe.mass.edu/sped/spp/.)		

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

CRITERION NUMBER		
	Legal Standard	
SE 25A	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.	
	State Requirements Federal Requirements	
	603 CMR 28.08(3)(b)	
	Rating: Partially Implemented	District Response Required: Yes

Staff interviews indicated that the district does not send notice to the Bureau of Special Education Appeals that a parent has rejected an IEP within five days as required.

CRITERION NUMBER		
	Legal S	tandard
SE 25B	 Resolution of disputes 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 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. 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. 	
	State Requirements	Federal Requirements
		34 CFR 300.510
	Rating: Partially Implemented	District Response Required: Yes

A review of student records indicated that within 15 days of receiving notice that a parent has made an official hearing request to the Bureau of Special Education Appeals, the district does not convene a meeting with the parent to try to resolve the dispute.

CRITERION NUMBER		
	Legal S	tandard
SE 26	 that makes decisions on the educations The Administrator of Special Education meeting early enough to ensure that the The district schedules the meeting at a documents such efforts. If neither parent can attend, the district participation, including individual or conferencing. In cases where the district, after reason parents' participation in Team meeting conducts the Team meeting and documents are the district of the team meeting and documents. 	on notifies parent(s) in writing of any Team ey have an opportunity to attend. mutually agreed upon time and place; and t uses other methods to ensure parent conference telephone calls, or video
	State Requirements	Federal Requirements
	603 CMR 28.02(21)	34 CFR 300.322; 300.501
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
SE 27	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.	
	State Requirements Federal Requirements	
	•	34 CFR 300.322(b)(1)(i)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	Standard
SE 29	 Communications are in English and primary language of home 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. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written 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	Federal Requirements
	603 CMR 28.07(8)	34 CFR 300.322(e); 300.503(c)
	Rating: Partially Implemented	District Response Required: Yes

A review of documents and staff interviews indicated that progress reports are not translated for parents whose primary language is not English and who have indicated a need for translations.

Legal Standard
 Parent advisory council for special education The school district has established a district-wide parent advisory council on special education. Membership on the council is offered to all parents of children with disabilities and other interested parties. 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. The parent advisory council has established by-laws regarding officers and operational procedures. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.

CRITERION NUMBER		
	Legal S	tandard
	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	Federal Requirements
	M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
SE 33	 Involvement in the general curriculum Reserved Reserved 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. In the IEP the district documents the student's participation in the general curriculum. 		
	State Requirements Federal Requirements		
	603 CMR 28.05(4)(a) and (b)	34 CFR 300.320(a)(1)(i) and a(2)(i)(A); 300.321(a)(4)(ii)	
	Rating: Implemented	District Response Required: No	

CRITERION NUMBER	
	Legal Standard
SE 34	Continuum of alternative services and placements 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.

CRITERION NUMBER		
	Legal Standard	
	State Requirements	Federal Requirements
	603 CMR 28.05(7)(b)	34 CFR 300.109; 300.110; 300.115
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 35	 Assistive technology: specialized materials and equipment Specialized materials and equipment specified in IEPs are provided. The school district provides evidence that assistive technology is considered for each eligible student and—if the student needs it in order to receive a free, appropriate public educationdescribed in the IEP and provided by the district. 	
	State Requirements	Federal Requirements
		34 CFR 300.105; 300.324(a)(2)(v)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
SE 36	IEP implementation, accountability and financial responsibility 1. Reserved.		
	2. The district oversees in an ongoing manner the full implementation of each indistrict 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.		
	State Requirements Federal Requirements		

CRITERION NUMBER		
	Legal Standard	
	603 CMR 28.06(3)	34 CFR 300.17(a); 300.101-104;
		300.154
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
SE 37	Procedures for approved and unapproved out-of-district placements 1. Individual student program oversight: 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. Student right to full procedural protections: 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. Preference to approved programs: 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. Written contracts: 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		

CRITERION NUMBER		
	Legal Standard	
	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. Placement documentation: The following documentation is maintained by the school district pursuant to its placement of children in unapproved out-of-district programs:	
	 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 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.	
	c. School district approval to operate a private school in Massachusetts: 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.	
	d. Pricing: 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.	
	e. Notification of the Department of Elementary and Secondary Education: 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. In addition, the Administrator forwards the notice of proposed placement and completed pricing forms to the Department along with the information on the proposed terms of the contract that will govern such placement and documentation of a monitoring plan pursuant to 603 CMR 28.06(3)(b). The district maintains 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	

CRITERION NUMBER		
	Legal S	tandard
	prices. f. Out of state programs: If out-of-diplacement outside of Massachuset approval by the Department under	agency responsible for setting program strict programs are provided in a ts, and such school has not received 603 CMR 28.09, the Administrator of ch school has received approval from the
	State Requirements	Federal Requirements
	M.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	34 CFR 300.2(c)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
SE 38	Special education services in institutional settings (SEIS) Department of Elementary and Secondary Education responsibility: In cases where the Department provides certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health, the Department retains the discretion to determine, based upon resources, the type and amount of special education and related services that it provides in such facilities. School district responsibility: 1. The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law. 2. Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent's school district to implement the student's IEP by arranging and paying for the provision of such service(s). 3. The parent's school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent's school district.	
	State Requirements	Federal Requirements
	603 CMR 28.06(9)	

CRITERION NUMBER			
		Legal S	tandard
	Rating:	Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 39A	 Legal Standard Procedures used to provide services to eligible students enrolled in private schools at private expense whose parents reside in the district 1. The district conducts child find activitiescomparable to those for public school studentsfor all students enrolled at private expense in private schools in the district. 2. The district consults with private schools in accordance with federal requirements. 3. The district provides or arranges for the provision of an evaluation for any private school child whose parent resides in the district who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility; as part of its consultation with the private school, the district ensures that a representative of the child's private 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. 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

CRITERION NUMBER		
	Legal S	tandard
	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.	
	State Requirements	Federal Requirements
	M.G.L. c. 71B, section 2	34 CFR 300.130-144; 300.300(d)(4)
	603 CMR 28.03(1)(e)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 39B	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	
	1. The district conducts child find activitiescomparable to those for public school studentsfor 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 the district or out of state. 4. If the district provides services to any state, it does so using an individual ser	• 1
State Requirements	Federal Requirements
603 CMR 28.02(7); 28.04; 28.05(2)	34 CFR 300.130-144; 300.301-311
Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 40	 Instructional grouping requirements for students aged five and older The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size does not exceed 8 tudents with a certified special educator, 12 students if the certified special educator is assisted by 1 aide, and 16 students if the certified special educator is assisted by 2 aides For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, the district provides instructional groupings that do not exceed 8 students to 1 certified special educator or 12 students to 1 certified special educator and 1 aide. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Administrator of Special Education and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school. In such cases, the Administrator provides written notification to the Department and the parents of
	sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.
	State Requirements Federal Requirements

CRITERION NUMBER		
	Legal S	tandard
	603 CMR 28.06(6)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
SE 41	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.	
	State Requirements	Federal Requirements
	603 CMR 28.06(6)(f)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 42	Programs for young children three and four years of age General requirements:
	 The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four years. 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. Where appropriate, the school district elects, consistent with federal requirements to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning

CRITERION NUMBER		
	Legal S	tandard
	three and four year old children for the child turns five years old (including the fifth birthday). Types of Settings: 5. Inclusionary programs for young child children with and without disabilities at a. Services in such programs are prosecuted to services in such programs are prosecuted to services in such programs that in disabilities, the class size does not no more than 5 students with disabilities is 6 or 7 then the class teacher and 1 aide. 6. Substantially separate programs for your classroom or facility that serves prima Substantially separate programs adhered a. Substantially separate programs are the children have disabilities.	child to remain in a program designed for e duration of the school year in which the e summer following the date of the child's dren are located in a setting that includes and meet the following standards: vided in the home, the public school, Head ag. attegrate children with and without exceed 20 with 1 teacher and 1 aide and bilities. If the number of students with size does not exceed 15 students with 1 brung children are located in a public school rily or solely children with disabilities.
	students with 1 teacher and 1 aide. State Requirements Federal Requirements	
	603 CMR 28.06(7)	34 CFR 300.101(b); 300.124(b); 300.323(b)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
SE 43	Behavioral interventions For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions and the possible need for a functional behavioral assessment.	
	State Requirements Federal Requirements	
		34 CFR 300.324(a)(2)(i)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	standard
SE 44	Procedure for recording suspensions The district has a procedure to record the number and duration of suspensions from any part of the student's program, including suspensions from special transportation prescribed by the IEP.	
	State Requirements Federal Requirements	
		34 CFR 300.530 IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 45	Procedures for suspension up to 10 days and after 10 days: General requirements	
	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.	
	State Requirements Federal Requirements	
	M.G.L. c. 76, §§ 16-17	34 CFR 300.530-300.537
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 46	 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 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. Prior to a suspension that 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 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." If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the district must still offer: 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 as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it 	
	 does not recur. Interim alternative educational setting. 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 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. Characteristics. 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. 5. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS 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 setting in accordance with part 4, the student returns to the original placement 	

CRITERION NUMBER		
	Legal Standard	
	unless the parents and district agree otherwise. 6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.	
	State Requirements Federal Requirements	
		34 CFR 300.530-537
	Rating: Partially Implemented	District Response Required: Yes

A review of student records indicated that after conducting a manifestation determination, the district does not provide special education services and access to the general education curriculum when a student with disabilities has been suspended ten (10) days or more. In addition, student records and interviews indicated that the district fails to provide parents with the Notice of Procedural Safeguards at the time of the student's suspension as required.

CRITERION NUMBER		
	Legal Standard	
SE 47	Procedural requirements applied to students not yet determined to be eligible	
SE 47	for special education	
	1. If, prior to the disciplinary action, a district had knowledge that the student may	
	be a student with a disability, then the district makes all protections available to	
	the student until and unless the student is subsequently determined not to be	
	eligible. The district may be considered to have prior knowledge if:	
	a. The parent had expressed concern in writing; or	
	b. The parent had requested an evaluation; or	
	c. District staff had expressed directly to the special education director or other	
	supervisory personnel specific concerns about a pattern of behavior	
	demonstrated by the student.	
	The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education	

CRITERION NUMBER		
	Legal Standard	
	services, or if an evaluation of the student has resulted in a determination of ineligibility. 2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility. 3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.	
	State Requirements Federal Requirements	
		34 CFR 300.534
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 48	FAPE (Free, appropriate, public education): Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as	
	participation in regular education All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the	
	school. Programs, services and activities include, but are not limited to: 1. art and music	
	 vocational education, industrial arts, and consumer and homemaking education work study and employment opportunities counseling services available at all levels in the district health services transportation recess and physical education, including adapted physical education athletics and recreational activities school-sponsored groups or clubs meals 	
	State Requirements	Federal Requirements
	603 CMR 28.06(5)	34 CFR 300.101 - 300.113
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
SE 49	Related services For each student with special education ne school district provides or arranges for the developmental, corrective, and other suppostudent to benefit from special education of includes: 1. speech-language pathology and audiol 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recree 6. early identification and assessment of 7. counseling services, including rehability 8. orientation and mobility services (peri 9. medical services for diagnostic or eval 10. school health services, including school 11. social work services in schools 12. parent counseling and training, and	provision of transportation and such precision of transportation and such precision of transportation and such precision to access the general curriculum, and ogy services ation disabilities in children tation counseling patology) uation purposes
	13. interpreting services. State Requirements Federal Requirements	
	603 CMR 28.02(18)	CFR 300.34; 300.323(c)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
SE 50	Administrator of Special Education The school district has an appointed person to be its Administrator of Special Education. The Administrator supervises all special education for the school district and ensures compliance with all federal and state special education laws. The Administrator of Special Education is appropriately licensed or holds a current waiver for an appropriate license or otherwise demonstrates that he or she has the qualifications to perform all of the duties of the Administrator. As appropriate, and in accordance with the requirements of M.G.L. c.71B, §3A, the Administrator may designate other school district personnel to carry out some of the duties of the

CRITERION NUMBER	SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
	Administrator.	
	State Requirements Federal Requirements	
	M.G.L. c. 71B, § 3A; 603 CMR 28.03(2)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
SE 51	Appropriate special education teacher licensure Except at Commonwealth charter schools, individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.	
	State Requirements	Federal Requirements
	M.G.L. c. 71, s. 38G; s. 89(qq); 603 CMR 1.07; 7.00; 28.02(3)	34 CFR 300.18; 300.156
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
SE 52	Appropriate certifications/licenses or other credentials related service providers Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the regular or special classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant		
	professional standards board or agency for the profession.		
	State Requirements	Federal Requirements	
	603 CMR 28.02(3),(18) 34 CFR 300.34; 300.156(b)		

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

CRITERION NUMBER		
	Legal Standard	
SE 52A	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.	
	State Requirements Federal Requirements	
_	603 CMR 28.02(3),(18)	34 CFR 300.34; 300.156(b)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 53	 Use of paraprofessionals Reserved 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. 	
	State Requirements Federal Requirements	
		34 CFR 300.156
	Rating: Implemented	District Response Required: No

CRITERION NUMBER

	Legal S	tandard
SE 54	for professional and paraprofessional at 2. The district ensures that all staff, inclueducation staff, are trained on:	staff in developing training opportunities staff and provides a variety of offerings. Iding both special education and general requirements and related local special
	 education policies and procedures b. analyzing and accommodating div to achieve an objective of inclusion diverse learning styles; c. methods of collaboration among to assistants to accommodate diverse 	
	regular classroom; 3. The district provides in-service training for all locally hired <u>and</u> contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of regular and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.	
	State Requirements Federal Requirements	
	M.G.L. c. 71, §§ 38G, 38Q and 38Q ½ 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES	
	Legal Standard	
SE 55	Special education facilities and classrooms	
SE 55	The school district provides facilities and o	classrooms for eligible students that
	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 respec	ts 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.	
	State Requirements	Federal Requirements
	603 CMR 28.03(1)(b)	Section 504 of the Rehabilitation Act of

CRITERION NUMBER		CIAL EDUCATION CHOOL FACILITIES
	Legal Standard	
	1973	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION	
	Legal Standard	
SE 56	Special education programs and services are evaluated Special education programs and services are regularly evaluated.	
	State Requirements	Federal Requirements
	M.G.L. c. 71B, section 2	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard

CRITERION NUMBER		
	Legal Standard	
SE 59	 Transfer of student records When a student with an IEP transfers from school district to school district, whether both of those districts are within the Commonwealth of Massachusetts or not, 1. any Massachusetts school to which the student is transferring takes reasonable steps to promptly obtain the student's records, including the IEP, from the former school, and 2. any Massachusetts school from which the student is transferring takes reasonable steps to promptly respond to the new school's request for records. 	
	State Requirements Federal Requirements	
	34 CFR 300.323(g)	
	Rating: Implemented	District Response Required: No

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

LEGAL STANDARDS, COMPLIANCE RATINGS AND FINDINGS

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
CR 3	Access to a full range of education progr	ams
	All students, regardless of race, color, sex, gender identity, 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.	
	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; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603	
	CMR 26.03 as amended by Chapter 199 of the Acts of 2011	
	Rating: Partially Implemented District Response Required: Yes	

A review of the district's documents and policies regarding access to a full range of education programs demonstrated that gender identity and homelessness are not included as protected categories.

CRITERION NUMBER		
	Legal S	tandard
CR 6	Availability of in-school programs for pregnant students	
	 Availability of in-school programs for pregnant students 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. 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. 	
	Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)	
	Rating: Implemented	District Response Required: No

	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)
CRITERION	AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS
NUMBER	III. PARENTAL INVOLVEMENT

	Legal Standard	
CR 7	Information to be translated into languages other than English	
	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.	
	Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)	
	Rating: Partially Implemented District Response Required: Yes	

Document review and staff interviews indicated that important information and documents such as report cards and progress reports are not translated for parents whose primary language is not English and who have indicated a need for translations.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION	
	Lega	al Standard
CR 7A	schedule for each school. The scho students in grades 1-12 at each eler district, and these schools are in op students. 2. The school district ensures that unl Accommodation Plan provides oth scheduled for at least 900 hours of secondary school student is schedu learning time a year, within the req district operates separate middle sc elementary or secondary. 3. Where the school district sets a sep kindergarten programs, it provides	erwise, each elementary school student is structured learning time a year and each alled for at least 990 hours of structured quired school year schedule. Where the school schools, it designates each one as either earate school year and school day schedule for at least 425 hours of structured learning time to sessions of kindergarten a day, it ensures dergarten students.
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
CR 7B	 Structured learning time 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 M.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. 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. 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.	
	M.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04 Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal S	tandard
CR 7C	Early release of high school seniors 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.	
	M.G.L. c. 69, § 1G; 603 CMR 27.05 Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal St	andard
CR 8	Accessibility of extracurricular activities	S
	Extracurricular activities sponsored by the	district are nondiscriminatory in that:
	1. the school provides equal opportunity for all students to participate in intramural	
	and interscholastic sports;	
	2. extracurricular activities or clubs spons	· · · · · · · · · · · · · · · · · · ·
		er identity, color, religion, national origin,
	sexual orientation, disability, or homel	
	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; M.G.L. c. 76, § 5; 603 CMR 26.06 (1) as amended by Chapter 199	
	of the Acts of 2011	
	Rating: Partially Implemented	District Response Required: Yes

A review of the district's documents and policies regarding accessibility of extracurricular activities revealed that gender identity and homelessness are not included as protected categories.

CRITERION NUMBER			
		Legal S	tandard
CR 9	Hiring and employment practices of prospective employers of students 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 and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, handicap, religion and sexual orientation. 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 experiences.		
	Authority: M.G.L. c. 76, § 5; 603 CMR 26.07(5) as amended by Chapter 199 of the Acts of 2011.		
	Rating:	Partially Implemented	District Response Required: Yes

A review of the district's documents indicated that the non-discrimination statement signed by prospective employers recruiting at the high school does not include gender identity as a protected category.

CRITERION NUMBER		
	Legal Star	ndard
CR 10	Anti-Hazing Reports	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	 The principal of each secondary school in the district issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the school's antihazing disciplinary policy approved by the school committee. Each secondary school files, at least annually, a report with the Department certifying Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19; Its adoption of a disciplinary policy with regard to the organizers and 	
	participants of hazing; and c. That the hazing policy has been included in the student handbook or other	
	means of communicating school policies to students.	
	Authority: M.G.L. c. 269, ss. 17-19	
	Rating: Implemented I	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	Student handbooks and codes of conduct 1.	
	 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 	

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES	
	Legal Standard	
	 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: 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: 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, gender identity, 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. Section 504; M.G.L. c. 71, § 37H; 603 CMR 26.08 as amended by Chapter 199 of 	
	the Acts of 2011	
	Rating: Partially Implemented District Response Required: Yes	

Document review indicated that the district does not have gender identity as a protected category in its non-discrimination statement.

CRITERION NUMBER		
	Legal Standard	
CR 10B	Bullying Intervention and Prevention	
	 Public schools (including charter schools and collaboratives) must amend school handbooks to include an age-appropriate summary of their new Bullying Prevention and Intervention Plan. School and district employee handbooks must contain relevant sections of the Plan relating to the duties of faculty and staff. 	
	3. Each year all school districts and schools must give parents and guardians annual written notice of the student-related sections of the local Plan.	
	4. Each year all school districts and schools must provide all staff with annual written notice of the Plan.	
	5. All schools and school districts must implement, for all school staff, professional development that includes developmentally appropriate strategies to prevent	

CRITERION NUMBER			
	Legal Standard		
	bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying.		
	M.G.L. c. 71, s. 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L. c. 71, s. 37O(e)(1) & (2). M.G.L. c. 71, s. 37O(d).		
	Rating: Partially Implemented	District Response Required: Yes	

Documentation and staff interviews indicated that the district's Bullying Intervention and Prevention Plan is not translated into the major languages of the district.

CRITERION NUMBER		
	Legal Standard	
CR 11A	Designation of coordinator(s); grievance procedures	
	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.	
	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	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
CR 12A	Annual and continuous notification concerning nondiscrimination and	

CRITERION NUMBER			
	Legal Standard		
	 coordinators 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. 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. Written materials and other media used to publicize a school include a notice 		
	sex, gender identity, disability, religion, or sexual orientation. 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; M.G.L. c. 76, § 5; 603 CMR 26.02(2) as amended by Chapter 199 of the Acts of 2011.		
	Rating: Partially Implemented District Response Required: Yes		

A review of documentation and interviews indicated that the district does not have gender identity as a protected category in its non-discrimination statement.

CRITERION NUMBER			
	Legal Standard		
CR 13	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.		
	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; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.03		

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

CRITERION NUMBER			
	Legal Standard		
CR 14	 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, gender identity, religion, national origin, sexual orientation, disability, and homelessness, all counselors: 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; 3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district; 4. provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand; 5. support students in educational and occupational pursuits that are nontraditional for their gender. 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; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.04, 26.07(8) as amended by Chapter 199 of the Acts of 2011 Rating: Partially Implemented District Response Required: Yes		

Document reviews indicated that the district process to review counseling materials for bias and stereotypes does not include gender identity as a protected category.

CRITERION NUMBER	
	Legal Standard

CRITERION NUMBER			
	Legal Standard		
CR 15	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, gender identity, 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.		
	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; M.G.L. c. 76, § 5; 603 CMR 26.07(7) as amended by Chapter 199 of the Acts of 2011 Rating: Partially Implemented District Response Required: Yes		

A review of documentation and interviews indicated that the district's policy for administering scholarships, prizes and awards does not include gender identity as a protected category.

CRITERION NUMBER			
	Legal Standard		
CR 16	 Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion 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. 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. 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 to inform them of the availability of publicly funded post-high school academic support programs and 		
	b. to encourage them to participate in those programs.At a minimum, the district sends annual written notice by first class mail to the		

CRITERION NUMBER			
	Legal Standard		
	last known address of each such student who attended a high school in the district within the past two years.		
	M.G.L. c. 76, §§ 5, 18; St. 1965, c. 741		
	Rating: Implemented	District Response Required: No	

CRITERION NUMBER		
	Legal S	Standard
CR 17A	 Use of physical restraint on any student enrolled in a publicly-funded education program The district has developed and implemented staff training at least annually on the use of 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. 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. 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. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Elementary and Secondary Education consistent with the regulations. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations. M.G.L. c. 71, § 37G; 603 CMR 46.00 	
	Rating: Implemented	District Response Required: No

CRITERION	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS	
NUMBER	VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal St	tandard
CR 18	Responsibilities of the school principal 1. Instructional support. The principal in instructional practices responsive to strainstructional support is available for straincludes remedial instruction for student availability of reading instruction at the for linguistic minority students, and off educational practices and the requirement consults with the Administrator of Speand interventions for students. Such efficient placed in the student record. Additional for an evaluation to determine eligibility ensures that documentation on the uses student is provided as part of the evaluation when determining eligibility. 2. Curriculum Accommodation Plan. The accommodation plan developed by the ensure that all efforts have been made to general education program. The plan analyzing and accommodating diverse regular classroom and in providing appropriate classroom and in providing appropriate education program including, be instruction in reading and provision of whose behavior may interfere with lear encouraging teacher mentoring and collaboration with special education. Administrator of Special Education conspecial education services within each and the services in home or hospit order verifying that any student enrolled public school in a private setting must or overnight basis, or any combination period of not less than fourteen school arranges for provision of educational services are provided with sufficient from his or her educational program, as long	each of the district's schools promotes adent needs and ensures that adequate udents and teachers. Instructional support nts, consultative services for teachers, e elementary level, appropriate services her services consistent with effective ents of M.G.L. c. 71B, §2. The principal cial Education regarding accommodations fforts and their results are documented and ally, when an individual student is referred ty for special education, the principal of instructional support services for the ation information reviewed by the Team e principal implements a curriculum district's general education program to to meet the needs of diverse learners in the assists the regular classroom teacher in learning styles of all children in the propriate services and support within the put not limited to, direct and systematic services to address the needs of children ming. The plan includes provisions llaboration and parental involvement. Strategic plan.) The principal with the assistance of the ordinates the delivery and supervision of school building. all. Upon receipt of a physician's written ad in a public school or placed by the remain at home or in a hospital on a day of both, for medical reasons and for a days in any school year, the principal ervices in the home or hospital. Such equency to allow the student to continue as such services do not interfere with the principal coordinates such services with the or eligible students. Such educational cation unless the student has been and the services include services on the
	Rating: Partially Implemented	District Response Required: Yes

A review of student records and documentation indicated that information on a student's instructional supports provided in the general education setting prior to a special education referral are not always provided to the Team for consideration during the eligibility determination process.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
CR 18A	School district employment practices	
	District employment practices in general are free from discrimination on the basis of	
	race, color, national origin, sex, or disability. 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.	
	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	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal S	tandard
CR 20	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. FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.00,	
	esp. 23.05(3) Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal S	tandard
CR 21	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, gender identity, religion,	
	national origin and sexual orientation and the appropriate methods for responding to	
	it in the school setting.	
	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; M.G.L. c. 76, § 5; 603 CMR 26.00, esp.	
	26.07(2), (3) as amended by Chapter 199 of the Acts of 2011	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES	
	Legal Standard	
CR 22	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).	
	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) Rating: Implemented District Response Required: No	

CRITERION NUMBER	
	Legal Standard
CR 23	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: 1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district; 2. Reserved.
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR

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

The English Language Learner instructional space at Millbury High School is not comparable to the instructional spaces provided to other groups of students, as the room is too small for the instructional group size, is poorly ventilated, and lacks a white/black board and computer.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION	
	Legal Standard	
CR 24	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, gender identity, 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.	
	M.G.L. c. 76, § 5; 603 CMR 26.05(2) as amended by Chapter 199 of the Acts of 2011	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documentation and interviews indicated that the district's curriculum review process does not include gender identity as a protected category.

CRITERION NUMBER		
	Legal Standard	
CR 25	Institutional self-evaluation The district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, 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.	
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section	

CRITERION NUMBER		
	Legal S	tandard
	504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); 35.130(b)(3); NCLB: Title III, Part A, Sec 722(g)(1)(J)(i), 722(g)(7); Mass. Const. ar. 5; 603 CMR 26.07(1),(4) as amended by C	. 3121(c)(1)(C); Title X, Part C, Sec. nend. art. 114; M.G.L. c. 71A, § 7; c. 76, §
	Rating: Partially Implemented	District Response Required: Yes

A review of documentation indicated that the district does not include gender identity as a protected category when annually evaluating all aspects of its K-12 program to determine if all students have equal access to all programs, including athletics and other extracurricular activities.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING	
	Legal Standard	
CR 26A	Confidentiality and student records 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.	
	FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.05, 23.07	
	Rating: Implemented	District Response Required: No

This Coordinated Program Review Final Report is also 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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