Massachusetts Department of
ELEMENTARY & SECONDARY
EDUCATION

Fall River Public Schools

COORDINATED PROGRAM REVIEW
REPORT OF FINDINGS

Dates of Onsite Visit: November 17-21, 2014
Date of Draft Report: January 21, 2015
Date of Final Report: March 25, 2015
Action Plan Due: May 1, 2015

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MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT

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SCOPE OF COORDINATED PROGRAM REVIEWS

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

Special Education (SE)

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007. The 2014 - 2015 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 2014 - 2015 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 2014 - 2015 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 2014 - 2015, of which all districts participated in the Web-based Monitoring System (WBMS). The Department's 2014 - 2015 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 and thirty-five civil rights 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 these two portions of the district/school's self-assessment, it is submitted to the Department for review.

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 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

An eight-member Massachusetts Department of Elementary and Secondary Education team visited Fall River Public Schools during the week of November 17, 2014 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, English learner education and career/vocational technical 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 14 administrative staff.
- Interviews of 60 teaching and support services staff across all levels.
- Interview of one parent advisory council (PAC) representative.
- Interviews of four career/vocational technical education Program Advisory Committee members.
- Interviews of two parents of students in the career/vocational technical education program.
- Interviews of 20 students in the career/vocational technical education program.
- Student record reviews: Samples of 52 special education student records, 27 English learner education student records, and 20 career/vocational technical education student records were selected by the Department. These 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: 87 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. Fourteen of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Surveys of parents of ELE students: 27 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. Four 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 45 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 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.

Fall River 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 51, SE 54		
Civil Rights and Other General Education Requirements	CR 7A, CR 7B, CR 10A, CR 10B, CR 12A, CR 16, CR 21, CR 23, CR 25		
Career/Vocational Technical Education	CVTE 2, CVTE 4, CVTE 8, CVTE 9A, CVTE 10, CVTE 11, CVTE 18, CVTE 20, CVTE 21	CVTE 22, CVTE 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 referred for evaluation** 1. Tests and other evaluation materials are: a. Validated b. administered and interpreted by trained individuals c. tailored to assess specific areas of educational need and related developmental needs d. selected and administered to reflect aptitude and achievement levels and related developmental needs e. as free as possible from cultural and linguistic bias f. provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally g. not the sole criterion for determining an appropriate 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 a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors 2. In interpreting evaluation data and making decisions, the district: a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent b. ensures that information obtained from these sources is considered c. ensures that the placement decision conforms with placement in the least restrictive environment d. includes information related to enabling the student to be involved in and progress in the general curriculum	
	State Requirements	**Federal Requirements**
	603 CMR 28.04 603 CMR 28.05	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 2	**Required and optional assessments** 1. Required assessments: The following assessments are completed by appropriately credentialed and trained specialists for each referred student: a. Assessment(s) in all areas related to the suspected disability(y) (ies) including consideration of any needed assistive technology devices and services and/or instruction in Braille. b. Educational assessment by a representative of the school district, including a history of the student's educational progress in the general curriculum. c. Assessment by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district's general education curriculum, as well as an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults. d. For a student being assessed to determine eligibility for services at age three (3), an observation of the student's interactions in the student's natural environment or early intervention program is strongly encouraged together with the use of current assessments from Early Intervention Teams to avoid duplicate testing. 2. Optional assessments: The Administrator of Special Education may recommend or the parent may request one or more of the following: a. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records. b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination. c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent. 3. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parents the following: a. that no further assessments are needed and the reasons for this; and b. the right of such parents to request an assessment.	
	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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 3A	**Special requirements for students on the autism spectrum** Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhett's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), the IEP Team shall consider and shall specifically address the following: 1) the verbal and nonverbal communication needs of the child; 2) the need to develop social interaction skills and proficiencies; 3) the needs resulting from the child's unusual responses to sensory experiences; 4) the needs resulting from resistance to environmental change or change in daily routines; 5) the needs resulting from engagement in repetitive activities and stereotyped movements; 6) the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; 7) and other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development. Please see additional guidance at: ***Technical Assistance Advisory SPED 2007-1:*** Autism Spectrum Disorder http:www.doe.mass.edu/sped/advisories/07_1ta.html#	
	State Requirements	**Federal Requirements**
	Chapter 57 of the Acts of 2006, amends M.G.L. c. 71B, section 3	34 CFR 300.8(c)(1)(i)
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 4	**Reports of assessment results** 1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student's needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools. 2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion.	
	State Requirements	**Federal Requirements**
	603 CMR 28.04(2)(c)	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 5	**Participation in general State and district-wide assessment programs** 1. All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs. 2. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. 3. The superintendent of a school district--or, for a public school program that is not part of a school district, the equivalent administrator: a. files an MCAS performance appeal for a student with a disability when the student's parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal; b. obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability; c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue.	
	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** 1. 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. 2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate. 3. Reserved 4. For any student approaching graduation or the age of twenty-two (22), the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c. 71B, §§12A-12C (known as Chapter 688). 5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives. 6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed.	
	State Requirements	**Federal Requirements**
	M.G.L.c.71B, Sections 12A-C 603 CMR 28.05(4)(c)	34 CFR 300.320(b); 300.321(b); 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** 1. At least 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. 2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student to continue the student's special education program. 3. The district continues to send the parent written notices and 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: a. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction. b. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making. c. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.	
	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: 1. The child´s parents. 2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district. 3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson). 4. a. If the student *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. 5. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses. 6. Other individuals at the request of the student's parents. 7. Reserved 8. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 - 4 above. 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 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.

CRITERION NUMBER		
	Legal Standard	
	State Requirements	**Federal 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/.)	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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 9	**Timeline for determination of eligibility and provision of documentation to parent** Within forty-five (45) 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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 9A	**Elements of the eligibility determination; general education accommodations and services for ineligible students** 1. To determine whether a student is eligible for special education, the school district: a. provides an evaluation or re-evaluation b. convenes a Team meeting c. determines whether the student has one or more disabilities d. determines if the student is making effective progress in school e. determines if any lack of progress is a result of the student's disability f. determines if the student requires special education and/or related services in order to make effective progress or if the student requires related services in order to access the general curriculum 2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for disabilit(y)(ies) under Section 504, the student is referred for consideration by the district for eligibility under that general education program. 3. When the student does not need any direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program. 4. When the student's lack of progress is due to a lack of instruction in reading or mathematics, limited English proficiency, social maladjustment, or is due to an inability to meet the school discipline code but is not due to a disability, the district makes a finding of no eligibility for special education and may refer the student to a more appropriate instructional program or support service.	
	State Requirements	**Federal Requirements**
	603 CMR 28.05(1) and (2)	4 CFR 300.8; 300.306
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 10	**End of school year evaluations** If consent is received between 30 and 45 school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than 14 days after the end of the school year.	
	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: 1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student are to be justified when an individual assessment rate is higher than that normally allowed. 2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district. 3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees. 4. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five (5) school days, proceeding to the Bureau of Special Education Appeals (BSEA) to show that its evaluation was comprehensive and appropriate. Where the BSEA finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent. 5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools. 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 Standard	
SE 12	**Frequency of re-evaluation** 1. When the student's needs warrant it or a parent or teacher requests it, the school district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that: a. a re-evaluation is conducted every three years unless the parent and district agree that it is unnecessary and b. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise. 2. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a general 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 Standard	
SE 13	**Progress Reports and content** 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP. 3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.	
	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 Standard	
SE 14	**Review and revision of IEPs** 1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate. 2. Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.	
	State Requirements	**Federal Requirements**
	603 CMR 28.04(3)	34 CFR 300.324(a)(4), (6) and (b)
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
SE 15	**Outreach by the School District (Student Find)** The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education: 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 district, including Horace Mann charter schools 11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Students	
	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** 1. 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 student's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services. 2. 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** 1. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the student 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 student's third birthday in accordance with federal requirements. 2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs.	
	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** 1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting. 2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education. 3. The school district ensures that the IEP will not be changed outside of the Team meeting. 4. 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 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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 18B	**Determination of placement; provision of IEP to parent** 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 student, 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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 19	**Extended evaluation** If the Team finds a student eligible for special education and finds the evaluation information insufficient to develop a full or partial IEP, the Team, with the parents' consent, agrees to an extended evaluation period. 1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring. 2. The extended evaluation period is not used to allow additional time to complete the required assessments. 3. If the parent consents to an extended evaluation, the Team documents its findings and determines what evaluation time period is necessary and the types of information needed to develop an IEP. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to develop an IEP when the evaluation is complete. 4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks. 5. The extended evaluation is not considered a placement.	
	State Requirements	**Federal Requirements**
	603 CMR 28.05(2)(b)	
	Rating: Implemented	**District Response Required: No**

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

CRITERION NUMBER		
	Legal Standard	
SE 21	**School day and school year requirements** 1. 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. 2. The daily duration of the student'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 student. In this case the Team specifies the daily duration of the program and states the reason for the different duration on the IEP. 3. Specialized transportation schedules do not impede a student's access to a full school day and program of instruction. 4. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided. 5. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student's IEP reflect the comprehensive nature of the educational program required. 6. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs.	
	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		
	Legal Standard	
SE 22	**IEP implementation and availability** 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. 4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.	
	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	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT	
	Legal Standard	
SE 24	**Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student 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 student'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 Administrator of Special Education or his/her designee regarding the evaluators 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 student's development.	
	State Requirements	**Federal Requirements**
	M.G.L. c. 71B, § 3; 603 CMR 28.04(1)	34 CFR 300.503; 300.504(a)(1)
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER	
	Legal Standard
SE 25	**Parental consent** In accordance with state and federal law, the school district obtains informed parental consent as follows: 1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special

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	Legal Standard	
	education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education. 2. The school district obtains consent before initiating extended evaluation services. 3. The school district obtains consent to the 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 evaluation and initial placement, consent may not be required as condition of any benefit to the child. 5. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. 6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a re-evaluation or to placement in a special education program subsequent to the initial placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the student. If, after consideration, the school district determines that the parent´s failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through the BSEA. 7. If the parent has given consent for special education services and then, at any time following, revokes his/her consent to the student´s special education services in writing, the district is obligated to discontinue all special education services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian of the district´s proposal to discontinue services based 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 services.	
	State Requirements	**Federal Requirements**
	603 CMR 28.07(1) This criterion is related to State Performance Plan Indicator 8. (See http://www.doe.mass.edu/sped/spp/.)	34 CFR 300.300
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 25A	**Sending of copy of notice to Special Education Appeals** Within five (5) 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 the BSEA.	
	State Requirements	**Federal Requirements**
	603 CMR 28.08(3)(b)	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 25B	**Resolution of disputes** 1. Within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district convenes a meeting with 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. 2. If the dispute is resolved at the resolution session, the parent(s) and a representative of the district with the authority to do so sign a legally binding agreement, enforceable in state or federal court. Any party may void this agreement within three (3) business days of the signing.	
	State Requirements	**Federal Requirements**
		34 CFR 300.510
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 26	**Parent participation in meetings** 1. The district ensures that one or both parents of a student are members of any group that makes decisions on the educational placement of their student. 2. The Administrator of Special Education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend. 3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts. 4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing. 5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation.	
	State Requirements	**Federal Requirements**
	603 CMR 28.02(21)	34 CFR 300.322; 300.501
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
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 Standard	
SE 29	**Communications are in English and primary language of home** 1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented. 2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) 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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 32	**Parent advisory council for special education** 1. The school district has established a district-wide parent advisory council on special education. 2. Membership on the council is offered to all parents of students with disabilities and other interested parties. 3. The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs. 4. The parent advisory council has established by-laws regarding officers and operational procedures. 5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. 6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.	
	State Requirements	**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** 1. Reserved 2. Reserved 3. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. 4. In the IEP the district documents the student's participation in the general curriculum.	
	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.	
	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** 1. Specialized materials and equipment specified in IEPs are provided. 2. 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 education--described 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 in-district and each out-of-district IEP it proposes which has been consented to by a student's parents. 3. Reserved. 4. The district provides all programs and services without expense to the student's parents. 5. Reserved.	
	State Requirements	**Federal Requirements**
	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 program. 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 program. 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.

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	Legal Standard
	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. Use of unapproved programs: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation. 6. Placement documentation: The following documentation is maintained by the school district pursuant to its placement of students in unapproved out-of-district programs: a. Search: 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. Evaluation of facility: 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 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 school committee where the private school is located 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

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	Legal Standard	
	the student and the name and location of the proposed placement before placing the student into the program by sending a completed mandated 28M3 form titled "Notice of Intent to Seek Approval for Individual Student Program" and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as any documentation of the Department's objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly-funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district. f. Out of state programs: If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Education ensures that such school has received approval from the host state.	
	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 Standard	
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)	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER	
	Legal Standard
SE 39A	**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 student find activities--comparable to those for public school students--for 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 student 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 student'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 student who is found eligible

CRITERION NUMBER		
	Legal Standard	
	for special education and/or related services. 4. The district provides special education and/or related services designed to meet the needs of eligible students, 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 students 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 student'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 student 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 student in the community where the school is located. 6. The district does not withdraw or withhold services from a student 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 student whose parents reside in the district are comparable in quality, scope, and opportunity for participation to those provided to public school students with needs of equal importance. 8. An expedited special education evaluation, which is limited to a student'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 student'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 2 603 CMR 28.03(1)(e)	34 CFR 300.130-144; 300.300(d)(4)
	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 student find activities--comparable to those for public school students--for all students enrolled at private expense in private schools in the district. 2. For students enrolled at private expense in private schools in the district and whose parents reside out of state, the district consults with the private schools in accordance with federal requirements. It conducts evaluations and determines eligibility in accordance with state and federal requirements. 3. The district calculates the proportionate share of Federal Special Education Entitlement funds (Fund Code 240) required to be spent on eligible private school students (including all eligible students attending private school in the district whether their parents reside in the district, in another Massachusetts district, or out of state) and documents the spending of at least this amount of federal entitlement funds (Fund Code 240) on one or more of the eligible private school students attending private school in the district whose parents reside in the district or out of state. 4. If the district provides services to any eligible private school student from out of state, it does so using an individual services plan.	
	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** 1. 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. 2. 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. 3. When eligible students are assigned to instructional groupings outside of the general education classroom for <u>60% or less of the students' school schedule</u>, group size does not exceed a. 8 students with a certified special educator, b. 12 students if the certified special educator is assisted by 1 aide, and c. 16 students if the certified special educator is assisted by 2 aides 4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for <u>more than 60% of the students' school schedule</u>, the district provides instructional groupings that do not exceed a. 8 students to 1 certified special educator or b. 12 students to 1 certified special educator and 1 aide. 5. 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 <u>and</u> 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. 6. In such cases, the Administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated. 7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.	
	State Requirements	**Federal Requirements**
	603 CMR 28.06(6)	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 41	**Age span requirements** The ages of the youngest and oldest student 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 Elementary and Secondary 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: 1. The school district ensures programs are available for eligible students three and four years of age. Such programs shall be developmentally appropriate and specially designed for students ages three and four years. 2. Reserved. 3. 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 eligible students to public school services. 4. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday). Types of Settings: 5. Inclusionary programs for young students are located in a setting that includes students with and without disabilities and meet the following standards: a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting. b. For public school programs that integrate students with and without disabilities, the class size does not exceed 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide. 6. Substantially separate programs for young students are located in a public school classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards: a. Substantially separate programs are programs in which more than 50% of the students have disabilities. b. Substantially separate programs operated by the district limit class sizes to 9 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 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** 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP-"a manifestation determination." 3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer: a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur. 4. 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 or the hearing officer orders a new placement. 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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 47	**Procedural requirements applied to students not yet determined to be eligible 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 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	**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 2. vocational education, industrial arts, and consumer and homemaking education 3. work study and employment opportunities 4. counseling services available at all levels in the district 5. health services 6. transportation 7. recess and physical education, including adapted physical education 8. athletics and recreational activities 9. school-sponsored groups or clubs 10. 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 Standard	
SE 49	**Related services** For each student with special education needs found to require related services, the school district provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes: 1. speech-language pathology and audiology services 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recreation 6. early identification and assessment of disabilities in children 7. counseling services, including rehabilitation counseling 8. orientation and mobility services (peripatology) 9. medical services for diagnostic or evaluation purposes 10. school health services, including school nurse services 11. social work services in schools 12. parent counseling and training, and 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 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 Standard	
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. **Commonwealth Charter Schools – Special Education Teacher Qualifications** To come into compliance with IDEA, Commonwealth charter schools must use "qualified" teachers to provide specialized instruction or have a "qualified" teacher consult with or provide direct supervision for someone who is not qualified but is delivering specialized instruction. This is an IDEA requirement. "Qualified" teachers must hold a valid license in special education or have successfully completed an undergraduate or graduate degree in an approved special education program. Please see additional guidance at: http://www.doe.mass.edu/charter/tech_advisory/07_1.html# (update 2/2011) http://www.doe.mass.edu/charter/sped/staffqualifications.html (update 3/23/2012).	
	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: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation indicated that not all special education teachers hold current licensure or have an approved waiver.

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 general 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)
	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** 1. Reserved 2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.	
	State Requirements	**Federal Requirements**
		34 CFR 300.156
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
SE 54	**Professional development** 1. The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings. 2. The district ensures that all staff, including both special education and general education staff, are trained on: a. state and federal special education requirements and related local special education policies and procedures; b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles; c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom; 3. The district provides in-service training for all locally hired and 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 general 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: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that the district's professional development does not include training on state and federal special education requirements and related local special education policies and procedures for both special education and general education staff.

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES	
	Legal Standard	
SE 55	**Special education facilities and classrooms** The school district provides facilities and 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 student's IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; 4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and 5. are not identified by signs or other means that stigmatize such students.	
	State Requirements	**Federal Requirements**
	603 CMR 28.03(1)(b)	Section 504 of the Rehabilitation Act of 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	
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 programs** 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: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CR 6	**Availability of in-school programs for pregnant students** 1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave. 2. The district does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician.	
	Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS 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: Implemented	**District Response Required: No**

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
CR 7A	**School year schedules** 1. Before the beginning of each school year, the school district sets a school year schedule for each school. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary school in the district, and these schools are in operation for at least 180 days a year for these students. 2. The school district ensures that unless his or her IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the school district operates separate middle schools, it designates each one as either elementary or secondary. 3. Where the school district sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the district schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students.	
	M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that there are students at Durfee High School participating in non-directed study; these students are not scheduled for 990 hours of structured learning time per school year. See CR 7B.

CRITERION NUMBER		
	Legal Standard	
CR 7B	**Structured learning time** 1. The school district ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by 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. 2. The district ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP or Section 504 Accommodation Plan. 3. The hours spent in any type of structured learning time are verified by the school district. Where the school district counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.	
	M.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that physical education is not a requirement for students for all four years at Durfee High School. In addition, interviews and observations indicated that non-directed study periods are included as part of the structured learning time at Durfee High School.

CRITERION NUMBER		
	Legal Standard	
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 Standard	
CR 8	**Accessibility of extracurricular activities** 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 sponsored by the school do not exclude students on the basis of race, sex, gender identity, color, religion, national origin, sexual orientation, disability, or homelessness.	
	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: Implemented	**District Response Required: No**

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

CRITERION NUMBER		
	Legal Standard	
CR 10	**Anti-Hazing Reports** 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 anti-hazing disciplinary policy approved by the school committee. 2. Each secondary school files, at least annually, a report with the Department certifying a. 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; b. 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	**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 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**

Department of Elementary and Secondary Education Findings:
Review of documentation indicated that the nondiscrimination policy in the student handbooks for Resiliency Preparatory School and Durfee High School does not include gender identity as a protected category.

CRITERION NUMBER		
	Legal Standard	
CR 10B	**Bullying Intervention and Prevention** 1. Public schools (including charter schools and collaboratives) must update school handbooks to conform to their updated amended Bullying Prevention and Intervention Plan (Plan). The school handbook (and local updated Plan) must be consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. The amendments extend protections to students who are bullied by a member of the school staff. As defined in G.L. c. 71, 37O, as amended, a member of the school staff includes, but is not limited to, an "educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional." The school handbook must make clear that a member of the school staff may be named the "aggressor" or "perpetrator" in a bullying report. 2. School and district employee handbooks must also contain relevant sections of the amended Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students by a school staff member. 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 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. 370(d), as amended.	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that the district has a Bullying Prevention and Intervention Plan and although professional development has been provided, not all school staff, including cafeteria workers, custodians, bus drivers, coaches, and advisors to extra-curricular activities, were involved in the training.

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 disseminated 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 coordinators** 1. If the district offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 2. In all cases, the district takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the district, that it does not discriminate on the basis of race, color, national origin, sex, or disability. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 3. Written materials and other media used to publicize a school include a notice that the school does not discriminate on the basis of race, color, national origin, sex, 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**

Department of Elementary and Secondary Education Findings:
Review of documentation indicated that written materials and other media used to publicize a school, such as the admission policy, admission application, recruitment materials and program brochures for the career/vocational technical education programs, do not indicate that the school does not discriminate on the basis of gender identity.

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	
	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: Implemented	**District Response Required: No**

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: Implemented	**District Response Required: No**

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** 1. Within ten days from a student's fifteenth consecutive unexcused absence, the school provides written notice to students age 16 or over and their parents or guardians. The notice is in English and the family's native language and states that the student and the parent or guardian may meet with a representative of the district within ten days from the date the notice was sent. At the request of the parent or guardian, the district may consent to an extension of the time for the meeting of not longer than fourteen days. 2. At the meeting the participants discuss the reasons that the student is leaving school and alternative educational or other placements. The student and parent or guardian are told that attendance is voluntary after the student turns 16 but are also informed of the student's right to return to school. 3. Any district serving students in high school grades sends annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school a. 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 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: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation indicated that the notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion does not contain all required information. Specifically, the notice does not indicate 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 or that 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. In addition, the notice is only sent to the parent and not to the student.

Review of documentation and interviews also indicated that the district is not sending written notice to former students who have not yet earned their competency determination and who have not transferred to another school informing them of the availability of publicly funded post-high school academic support programs and encouraging them to participate in those programs.

CRITERION NUMBER		
	Legal Standard	
CR 17A	**Use of physical restraint on any student enrolled in a publicly-funded education program** 1. 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. 2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Elementary and Secondary Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint. 3. The district has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students. 4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Elementary and Secondary Education consistent with the regulations. 5. 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 NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
CR 18	**Responsibilities of the school principal** 1. Instructional support. The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the Administrator of Special Education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. 2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district's general education program to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. (*The plan may be part of a multi-year strategic plan.)* 3. Coordination with special education. The principal with the assistance of the Administrator of Special Education coordinates the delivery and supervision of special education services within each school building. 4. Educational services in home or hospital. Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.	
	M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)	
	Rating: Implemented	**District Response Required: No**

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 Standard	
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 Standard	
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: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation indicated that while training was provided on civil rights responsibilities, the prevention of discrimination and harassment on the basis of gender identity was not included in the training.

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 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**

Department of Elementary and Secondary Education Findings:
Onsite observations indicated that the spaces used for English language development instruction at Fonseca Elementary School and Talbot Middle School are not comparable to the spaces provided to the overall student population. The English as a second language (ESL) room at Fonseca Elementary School is labeled "closet." It is a very small space that may be adequate for one to one instruction, but often has at least three students in the room at the same time which causes it to become over-crowded. At the time of the observation, there were six students and one teacher at a table and the door could not close.

The room for English language development instruction at Talbot Middle School is a space that is also used for storage. Interviews indicated that there is a lack of materials provided to English language learners at this school. Further, while there is a computer in the room, it is not functional so the teacher and students do not have access to it for instruction as do other students in the building, as computers are available to students in the other classrooms at Talbot Middle School.

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: Implemented	**District Response Required: No**

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 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.07(1),(4) as amended by Chapter 199 of the Acts of 2011	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that the district has not evaluated 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.

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**

CAREER/VOCATIONAL TECHNICAL EDUCATION

LEGAL STANDARDS, COMPLIANCE RATINGS AND FINDINGS

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION I. ASSESSMENT OF STUDENTS	
	Legal Standard	
CVTE 1	Career guidance and placement services, including career assessments and assistance with the development of a four-year career plan, are provided in order to assist each student enrolled in a career/vocational technical education program in making the transition to the workforce, postsecondary education, and/or apprenticeship programs. *Vocational Technical Education Regulations 603 CMR 4.03(4)(d), Perkins Section 134* Definition: A career assessment is a formal assessment instrument that helps the student evaluate his/her career interests.	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 2	MCAS and/or other academic assessment results are used to design instructional and support services. *Perkins Section 3, 134, Vocational Technical Education Regulations 603 CMR 4.03(4)*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Education Programs at http://www.doe.mass.edu/cte/programs/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and student records indicated that although the district did provide teachers with aggregate school-wide academic assessment results, these were not used to design instructional and support services in career technical education (CTE) classes. (Legal Citation: Perkins 135; Vocational Technical Education Regulations: 603 CMR 4.03(4)(d))

CRITERION NUMBER		
	Legal Standard	
CVTE 3	The district assesses students for the acquisition of safety & health, technical that includes embedded academic, employability, management & entrepreneurship, and technological knowledge and skills. *Vocational Technical Education Regulations 603 CMR 4.03 (4); Perkins Section 3, 134, M.G.L. c.74 Section 2*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Education Programs at http://www.doe.mass.edu/cte/programs/	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT	
	Legal Standard	
CVTE 4	Information concerning career/vocational technical education programs is provided to students and to their parents/guardians. Such information shall include admission requirements for career/vocational technical programs; specific programs/courses that are available; employment and/or further education and registered apprenticeship opportunities. *Perkins Section 134, Vocational Technical Education Regulations 603 CMR 4.03 (4) (6).*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Education Programs at http://www.doe.mass.edu/cte/programs/ Chapter 74 Manual for Vocational Technical Education Admission Policies at http://www.doe.mass.edu/cte/admissions/ Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (34 CFR, Part 100, Appendix B at http://www.doe.mass.edu/cte/admissions/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation indicated that written materials and other media used to publicize a school, such as the admission policy, admission application, recruitment materials and program brochures for the career/vocational technical education programs, do not indicate that the school does not discriminate on the basis of gender identity. (Legal Citation: M.G.L. c.76 section 5,2)

CRITERION NUMBER		
	Legal Standard	
CVTE 5	All individuals including those who are members of special populations are provided with equal access to career/vocational technical education programs, services and activities and are not discriminated against on the basis of their status as members of special populations or race, color, gender, gender-identity, religion, national origin, English language proficiency, disability, or sexual orientation. *Perkins Sections 122 & 134, Vocational Technical Education Regulations 603 CMR 4.03(4) (6) (7), M.G.L.c.76, Section 5.*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Education Admission Policies at http://www.doe.mass.edu/cte/admissions/ Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (34 CFR, Part 100, Appendix B) at http://www.doe.mass.edu/cte/admissions/ Massachusetts Special Education Regulations 603 CMR 28.10 (6) (c) at http://www.doe.mass.edu/lawsregs/603cmr28.html?section=all#start Massachusetts General Law Chapter 76, Section 5 at http://www.mass.gov/legis/laws/mgl/gl-pt1-toc.htm Massachusetts Access to Equal Educational Opportunity Regulations 603 CMR 26.00 at http://www.doe.mass.edu/lawsregs/603cmr26.html	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 6	*(Note: This criterion applies only to Chapter 74-approved vocational technical education.)* The district uses its Department-approved admission policy and an appropriate application for admission. *Vocational Technical Education Regulations 603 CMR 4.03(6). M.G.L. c. 76 Section 5.*	
	References: Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Education Admission Policies at http://www.doe.mass.edu/cte/admissions/ Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (34 CFR, Part 100, Appendix B at http://www.doe.mass.edu/cte/admissions/ Massachusetts Special Education Regulations 603 CMR 28.10 6) (c) at http://www.doe.mass.edu/lawsregs/603cmr28.html?section=all#start Massachusetts General Law Chapter 76, Section 5 at http://www.mass.gov/legis/laws/mgl/gl-pt1-toc.htm Massachusetts Access to Equal Educational Opportunity Regulations 603 CMR 26.00 at http://www.doe.mass.edu/lawsregs/603cmr26.html	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 7	*(Note: This criterion applies only to Chapter 74-approved vocational technical education.)* Ninth graders admitted to Chapter 74-approved vocational technical education participate in the district's Chapter 74-approved vocational technical education exploratory program for a minimum of one-half of the school year. The program provides for students to explore at least one program that would prepare them for a career nontraditional for their gender if the district has program(s) that prepare students for careers that would be nontraditional for their gender. Students receive appropriate safety training while exploring programs. The time exploring each program should be sufficient to allow the student to be adequately assessed. The time should be sufficient to allow the student to become aware of the program requirements and the opportunities for employment and further education/training extended by the program. *Technical Education Regulations 603 CMR 4.03(4). M.G.L. c. 76 Section 5.*	
	References: Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Education Admission Policies at http://www.doe.mass.edu/cte/admissions/ Chapter 74 Manual for Vocational Technical Education Programs at http://www.doe.mass.edu/cte/programs/manual.doc	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 8	The programs in which students are enrolled meet the Perkins IV definition of career and technical education as contained in Appendix A (*Massachusetts Perkins IV Career and Technical Education Program Checklist)* of the Massachusetts Perkins IV Manual. *Perkins Sections 3 & 134*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that not all programs in which students are enrolled meet the Perkins IV definition of career and technical education. For example, Television Broadcasting did not have any licensed teachers and all non-Chapter 74 programs lacked advisory boards as required under the Perkins IV definition of Career Technical Education. Additionally, the Carpentry program does not offer a sequence of courses. Interviews with all staff teaching non-Chapter 74 programs also revealed an overall lack of understanding of the Perkins IV definition of career and technical education and related requirements. See also CVTE 18 and CVTE 22.

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION III. PARENT AND COMMUNITY INVOLVEMENT	
	Legal Standard	
CVTE 9A	The district accurately reports student data in the Department of Elementary and Secondary Education's Student Information Management System (SIMS). *Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/ SIMS Version 2.0 Data Handbook at http://www.doe.mass.edu/infoservices/data/sims/ Instructions for School Districts in Reporting Students Enrolled in Career/Vocational Technical Education Programs at http://www.doe.mass.edu/cte/data/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that students are being reported as enrolled in Chapter 74 and non-Chapter 74 programs at the district's Resiliency Preparatory School when no students at the alternative high school are enrolled in these programs. Some of the non-Chapter 74 career and technical education programs reported in the Department of Elementary and Secondary Education's Student Information Management System (SIMS) do not currently meet the federal Perkins Act definition of career and technical education. Consequently, the data for the Perkins indicators of performance inaccurately includes data of students who are not participating in career/vocational technical education programs. See CVTE 8. (Legal Citation: Perkins Section 113)

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION III. PARENT AND COMMUNITY INVOLVEMENT	
	Legal Standard	
CVTE 9B	The district accurately reports student data in Career/Vocational Technical Education Graduate Follow-up Report. *Perkins Section 113, Vocational Technical Education Regulations 603 CMR 4.05*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/ SIMS Version 2.0 Data Handbook at http://www.doe.mass.edu/infoservices/data/sims/ Instructions for School Districts in Reporting Students Enrolled in Career/Vocational Technical Education Programs at http://www.doe.mass.edu/cte/data/	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 10	Representatives of business/industry; organized labor (union); colleges(s); parent(s)/guardian(s)*;* student(s); representative(s) from registered apprenticeship program(s) (only required if the occupational field of the program has a registered apprenticeship program) are involved in the development, implementation, and review of career/vocational technical programs. Representation is race, linguistic, disability, and nontraditional by gender inclusive, and if not, there is a plan *(*formal recruitment process) to make it inclusive. *Perkins Section 134, M.G.L. c.74 Section 6, Vocational Technical Education Regulations 603 CMR 4.03 (1)*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Career/Vocational Technical Education Advisory Committee Guide at http://www.doe.mass.edu/cte/resources/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that not all program advisory committees possess representation required under the Chapter 74 regulations. Cosmetology, Culinary Arts, and Engineering lack postsecondary representation. Engineering also lacks a parent/guardian representative. No advisory committee has representation of individuals with disabilities and there is no plan in existence to recruit individuals from this group. Every program except Engineering lacks representation of racial or linguistic minorities and there is no plan in place to recruit individuals from this group.

There is no General Advisory Committee and, therefore, no meetings of the General Advisory Committee and the district school committee. (Legal Citation: Vocational Technical Education Regulations 603 CMR 4.03(1)1)

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
CVTE 11	Programs are structured so that students acquire safety & health, technical that includes embedded academic, employability, management & entrepreneurship, and technological knowledge and skills. *Perkins Section 3, 134, M.G.L. c. 74 Section 2, Vocational Technical Education Regulations 603 CMR 4.03 (4) 4.06*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Massachusetts Vocational Technical Education Frameworks at http://www.doe.mass.edu/cte/frameworks/ Chapter 74 Manual for Vocational Technical Cooperative Education at http://www.doe.mass.edu/cte/programs/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that the culinary program lacks appropriate facilities to emulate a modern work place, and all programs lack funded budgets from the local school district for supplies, repairs, and general program maintenance. See CVTE 25. (Legal Citations: Perkins Act, Sections 3 and 135; Vocational Technical Education Regulations 603 CMR 4.03(3))

CRITERION NUMBER		
	Legal Standard	
CVTE 12	Linkages between secondary and postsecondary education including registered apprenticeship programs exist through, at a minimum, articulation agreements that are annually reviewed and approved. *Perkins Section 134, Vocational Technical Education Regulations 603 CMR 4.03 (4)*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 13	*(Note: This criterion applies only to Chapter 74-approved vocational technical education.)* Cooperative Education is implemented in accordance with applicable laws, regulations, and policies. *Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001, Code of Federal Regulations Title 29 (CFR 29) Parts 570.50 (c) (1) & 570.51-570.68, M.G.L. c. 74 Sections 1& 2A, M.G.L. c.149, Sections 1, 62 & 62A, M.G.L. c. 152, Vocational Technical Education Regulations 603 CMR 4.03(7) 4.10(3), (Chapter 385 of the Acts of 2002*	
	References: Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Cooperative Education at http://www.doe.mass.edu/cte/programs/ Massachusetts General Law Chapter 149 at at http://www.state.ma.us/legis/laws/mgl/gl-149-toc.htm Code of Federal Regulations Title 29 (CFR 29) at http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_570/29CFR570.50.htm MA Worker's Compensation Insurance per M.G.L. c. 152 at http://www.mass.gov/legis/laws/mgl/gl-152-toc.htm Advisory of CORI Law: Mandatory Criminal Record (CORI) Checks - Education Laws and Regulations at http://www.doe.mass.edu/lawsregs/advisory/cori.html	
	Rating: Not Applicable	**District Response Required: No**

Department of Elementary and Secondary Education Findings:
Fall River Public Schools does not have cooperative education programs.

CRITERION NUMBER		
	Legal Standard	
CVTE 14	Non-cooperative education (unpaid) work-based learning such as internships and job-shadowing is implemented in accordance with applicable laws, regulations and policies. *Perkins Section 134, M.G.L. c. 74 Section 2A, M.G.L. c. 152, Vocational Technical Education Regulations 603 CMR 4.03(4), Chapter 385 of the Acts of 2002*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html MA Worker's Compensation Insurance per M.G.L. c. 152 at http://www.mass.gov/legis/laws/mgl/gl-152-toc.htm Advisory of CORI Law: Mandatory Criminal Record (CORI) Checks - Education Laws and Regulations at http://www.doe.mass.edu/lawsregs/advisory/cori.html	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 15	*(Note: This criterion applies only to Chapter 74-approved vocational technical education.)* Unpaid off-campus construction and maintenance projects are appropriately implemented per the Massachusetts Vocational Technical Education Regulations. *Vocational Technical Education Regulations 603 CMR 4.06; M.G.L.c.142, Section 3A.*	
	References: Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html	
	Rating: Not Applicable	**District Response Required: No**

Department of Elementary and Secondary Education Findings:
Fall River Public Schools does not have unpaid off-campus construction projects.

CRITERION NUMBER		
	Legal Standard	
CVTE 16	The needs of students in alternative education are addressed (if the district has alternative education). *Perkins Section 122* **Note:** Alternative Education is an instructional approach under the control of a school committee that is offered to "at-risk" students in a nontraditional setting. "At-risk" students may include those who are pregnant/parenting teens, truant students, and suspended or expelled students, returned dropouts, delinquent youth, or other students who are not meeting local promotional requirements. Alternative Education may operate as a program or as a separate self-contained school. Alternative Education does not include private schools, home schooling, school choice, General Educational Development (GED), or gifted and talented programs. Alternative Education also does not include programs exclusively serving students receiving special education services or career/vocational technical education.	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Department of Elementary and Secondary Education Webpage at http://www.doe.mass.edu/alted/faq.html?faq=general	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 18	Staff in career/vocational technical education programs are appropriately licensed or are working under a current Department-issued waiver. *Perkins Section 134, M.G.L. c. 74 Section 18, Vocational Technical Education Regulations 603 CMR 4.03 (5) 4.07 and M.G.L. c. 71 Section 38G, Regulations for Educator Licensure and Preparation Program Approval 603 CMR 7.00*	
	References: Massachusetts General Law Chapter 74, Section 18 at http://www.mass.gov/legis/laws/mgl/gl-74-toc.htm Massachusetts General Law Chapter 71, Section 38G at http://www.mass.gov/legis/laws/mgl/gl-71-toc.htm Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Chapter 74 Manual for Vocational Technical Education Programs at http://www.doe.mass.edu/cte/programs/manual.doc Chapter 74 Guide for Preliminary Vocational Technical Teacher Licensure at http://www.doe.mass.edu/cte/licensure/prelimguide.doc Chapter 74 Guide for Professional Vocational Technical Teacher Licensure at http://www.doe.mass.edu/cte/licensure/profguide.doc Chapter 74 Guide for Vocational Technical Administrator and Cooperative Education Coordinator Licensure at http://www.doe.mass.edu/cte/licensure/admin_cecguide.doc Chapter 74 Guide for Vocational Technical Educator License Renewal at http://www.doe.mass.edu/cte/licensure/renewalguide.doc Regulations for Educator Licensure and Preparation Program Approval 603 CMR 7.00 at http://www.doe.mass.edu/lawsregs/603cmr7.html	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that one administrative and one instructional staff member are not appropriately licensed or working under a Department-issued waiver. (Legal Citation: Vocational Technical Education Regulations 603 CMR 4.03(5))

CRITERION NUMBER		
	Legal Standard	
CVTE 19	Staff in career/vocational technical education programs acquire professional development. *Perkins Section 134, Vocational Technical Education Regulations 603 CMR 4.03 (5) 4.07 and M.G.L. c. 71 Section 38G, Regulations for Educator Licensure and Preparation Program Approval 603 CMR 7.00*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts General Law Chapter 74, Section 18 at http://www.mass.gov/legis/laws/mgl/gl-74-toc.htm Massachusetts General Law Chapter 71, Section 38G at http://www.mass.gov/legis/laws/mgl/gl-71-toc.htm Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Regulations for Educator Licensure and Preparation Program Approval 603 CMR 7.00 at http://www.doe.mass.edu/lawsregs/603cmr7.html Chapter 74 Guide for Vocational Technical Educator License Renewal at http://www.doe.mass.edu/educators/e_license.html?section=voc	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 20	Career/vocational technical education instructional facilities meet current occupational standards. *Perkins Section 134; Vocational Technical Education Regulations 603 CMR 4.03 (3) (4) (7)(8).* Each vocational technical education program shall be conducted in facilities that meet current occupational standards. *603 CMR 4.03 (3)(a)*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Career/Vocational Technical Education Safety Guide at http://www.doe.mass.edu/cte/safety/guide.doc NIOSH Safety Checklist Program for Schools at http://www.doe.mass.edu/cte/safety_health.html Chapter 74 Manual for Vocational Technical Cooperative Education at http://www.doe.mass.edu/cte/programs/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
A site visit by the Office of Career/Vocational/Technical Education safety specialist revealed that not all instructional facilities used for career/vocational technical education meet current occupational standards. The Office for Career/Vocational Technical Education sent a Safety Survey Report, including details specific to each program, to Superintendent Mayo-Brown under separate cover. (Legal Citation: Vocational Technical Education Regulations 603 CMR 4.03(3)(d))

CRITERION NUMBER		
	Legal Standard	
CVTE 21	Career/vocational technical education instructional equipment meets current occupational standards. *Perkins Section 134; Vocational Technical Education Regulations 603 CMR 4.03 (3) (4) (7) (8)*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Career/Vocational Technical Education Safety Guide at http://www.doe.mass.edu/cte/safety/guide.doc NIOSH Safety Checklist Program for Schools at http://www.doe.mass.edu/cte/safety_health.html Chapter 74 Manual for Vocational Technical Cooperative Education at http://www.doe.mass.edu/cte/programs/	
	Rating: Partially Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
A site visit by the Office of Career/Vocational/Technical Education safety specialist revealed that not all instructional equipment used for career/vocational technical education meets current occupational standards. The Office for Career/Vocational Technical Education sent a Safety Survey Report, including details specific to each program, to Superintendent Mayo-Brown under separate cover. (Legal Citation: Vocational Technical Education Regulations 603 CMR 4.03(3)(d))

CRITERION NUMBER	CAREER/VOCATIONAL TECHNICAL EDUCATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
CVTE 22	The district uses the Perkins Act Core Indicator of Performance outcomes to improve programs and the outcomes for students. *Perkins Section 113, Perkins 134 (b) (5), (7), (8)*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html Massachusetts Perkins Accountability Workbook – Secondary at http://www.doe.mass.edu/cte/perkins/acctworkbook_sec.pdf	
	Rating: Not Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Interviews revealed that most advisory committee members and technical teachers are unaware of the Perkins Act Core Indicator of Performance outcomes beyond their assistance in the career/vocational technical education graduate follow-up surveys, which provided data for Perkins core indicator 5S1. Therefore, the technical teachers cannot utilize the Perkins Act Core Indicator of Performance outcomes to improve programs and outcomes for students. (Legal Citation: Perkins Section 113)

CRITERION NUMBER		
	Legal Standard	
CVTE 23	Perkins Local Plans and Standard Contract Forms and Application for Program Grants are appropriately designed, amended, and locally monitored. *Perkins Sections 113, 201, and 135*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/ Grants for Schools: Getting Them and Using Them, A Procedural Manual at http://finance1.doe.mass.edu/Grants/procedure/manual.html Education Department General Administrative Regulations (EDGAR) at http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html OMB Circular A – 87 at HTTP://WWW.WHITEHOUSE.GOV/OMB/CIRCULARS/A087/A087-ALL.HTML	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 24	The district uses Perkins funds in accordance with statutory fund-use rules, including supplement not supplant provisions. *Perkins Sections 135*	
	References: Carl D. Perkins Career & Technical Education Improvement Act of 2006 at http://www.doe.mass.edu/cte/perkins/ Massachusetts Perkins IV Manual at http://www.doe.mass.edu/cte/perkins/ Education Department General Administrative Regulations (EDGAR) http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html OMB Circular A – 87 at HTTP://WWW.WHITEHOUSE.GOV/OMB/CIRCULARS/A087/A087-ALL.HTML	
	Rating: Implemented	**District Response Required: No**

CRITERION NUMBER		
	Legal Standard	
CVTE 25	*(Note: This criterion applies only to Chapter 74-approved vocational technical education.)* The district has adequate financial resources to enable the programs to meet current industry and Occupational Safety and Health Administration (OSHA) standards with respect to facilities, safety, equipment, and supplies. *Vocational Technical Education Regulations 603 CMR 4.03 (8)*	
	References: Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at http://www.doe.mass.edu/cte/laws.html	
	Rating: Not Implemented	**District Response Required: Yes**

Department of Elementary and Secondary Education Findings:
Review of documentation and interviews indicated that the district does not possess adequate financial resources to satisfy this criterion. See CVTE 11. (Legal Citations: Perkins Act, Sections 3 and 135; Vocational Technical Education Regulations 603 CMR 4.03(3))

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/.

WBMS Final Report 2015

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Prepared by:	SDN/VRK