



**Community Care Services, Inc.'s Schools
Cape Cod Alternative School
Southeast Alternative School**

**PRIVATE SPECIAL EDUCATION SCHOOL
PROGRAM REVIEW
REPORT OF FINDINGS**

Dates of Onsite Visit: October 15 – 19, 2001

Date of Draft Report: January 4, 2002

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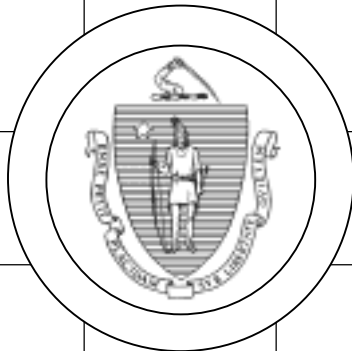
Action Plan Due: April 4, 2002

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**MASSACHUSETTS DEPARTMENT OF EDUCATION
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW**

Community Care Services Inc.’s Schools

Table of Contents

OVERVIEW OF REVIEW PROCEDURES3

PRIVATE SCHOOL PROGRAM REVIEW ELEMENTS.....3

DEFINITION OF TERMS FOR FINDINGS.....7

AREA 1: REQUIRED INFORMATION, NOTIFICATIONS AND POSTINGS.....8

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION9

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS10

AREA 4: DISCLOSURE OF INFORMATION.....12

AREA 5: ADMISSIONS PROCEDURES AND COORDINATION/COLLABORATION WITH SCHOOL DISTRICTS.....15

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT LEARNING TIME.....18

AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS -- CURRICULUM FRAMEWORKS AND STATE ASSESSMENTS.....19

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION PROGRAMS.....20

AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT25

AREA 10: EDUCATIONAL STAFFING REQUIREMENTS -- STUDENT:TEACHER AND STUDENT:CHILDCARE WORKER RATIOS.....29

AREA 11: EDUCATIONAL STAFFING REQUIREMENTS -- PERSONNEL POLICIES, QUALIFICATIONS, RESPONSIBILITIES.....31

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING.....35

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS.....40

AREA 14: REQUIREMENTS FOR DAILY CARE43

AREA 15: PARENT AND STUDENT INVOLVEMENT44

AREA 16: HEALTH AND MEDICAL SERVICES.....47

AREA 17: TRANSPORTATION SAFETY52

AREA 18: STUDENT RECORDS53

MASSACHUSETTS DEPARTMENT OF EDUCATION

APPROVED PRIVATE SCHOOL PROGRAM REVIEW REPORT

OVERVIEW OF REVIEW PROCEDURES

INTRODUCTION

The Massachusetts Department of Education is required under MGL c. 71B, §10 to review special education programs in approved private special education schools that serve publicly funded students under the provisions of Board of Education Regulations 603 CMR 28.00 and 18.00. Each private school submits an application for approval by the Department of Education and periodically updates information included in the application on how special education services are provided. Each year, the Department's Program Quality Assurance Services unit conducts onsite visits to selected approved private schools to verify the implementation of their applications. The selected schools for 2001-2002 were notified in September 2001 of scheduled visits and were encouraged to assess themselves before the arrival of the Department's visiting team.

Private School Program Review Elements

Team: Depending upon the size of a private school and the number of programs to be reviewed, a team of two to three Department staff members conducts a Program Review over two to five days in the private school. In some instances, Massachusetts human service agency staff and a representative of the local school district may also participate on the visiting team.

Scope: Starting in FY 2001, all approved private schools in the Commonwealth will be monitored through the Department's Private School Program Review system on a six-year cycle with an additional mid-cycle followup visit. This six-year monitoring and followup cycle is coordinated with the Department's Approved Private School Application Renewal procedures.

Content: The Program Review criteria encompass key elements drawn from 603 CMR 18.00 and 28.00 and the private school's application for approval. The elements selected for the 2001-2002 reviews also include those required by the federal Office for Special Education Programs (OSEP) and revised requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.* (IDEA-97) as described in the Department's Special Education Advisories issued during the 1997-2001 school years. Selected Program Review compliance criteria are aligned with the requirements and goals of the Massachusetts Education Reform Act of 1993, being intended to promote high standards and achievement for all students.

Report: The Department's Program Review Report is based on a review of documentation regarding the operation of the school's programs, together with information gathered through the following Department program review methods:

- Interviews of administrative, clinical, instructional and support staff across all grade levels.
- Interviews of Parent Group representatives.
- Other interviews as requested by personnel from state and local agencies and members of the general public.

- Review of student records: A sample of student records is selected for detailed review by the Department of Education. Student records are examined first by the school's staff and then verified by the onsite team using standard Department student record review procedures in order to make determinations regarding the implementation of procedural and programmatic requirements. Parents of students whose files were selected for the record review are provided an opportunity to be interviewed by telephone.
- Observation of classrooms and other facilities: A sample of instructional classrooms and school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program requirements.

Response: A detailed report of findings describes determinations about the implementation status of each requirement (criterion) reviewed. Included in the findings are commendations for those criteria that have been implemented in an exceptional manner. Where criteria are found not to be fully implemented, the private school must propose corrective action to bring those areas into compliance with the controlling statutes or regulations. Private schools are encouraged to incorporate the corrective action into their program improvement planning, as well as their professional and paraprofessional staff development plans.

The Department of Education believes that the Private School Program Review process is a positive experience and that the Final Report should be seen by the school and the general public as a helpful planning document for the continuing development of programs and services in the private school.

REPORT INTRODUCTION

A three-member Massachusetts Department of Education team visited Community Care Services Inc. (ComCare) during the week of October 15, 2001 to evaluate the implementation of selected compliance criteria under the Massachusetts Board of Education Regulations 603 CMR 18.00 (Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs) and 603 CMR 28.09 (Approval of Public or Private Day and Residential Special Education School Programs), MGL c. 71B (“Chapter 766”) and the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.*, as amended in 1997 (IDEA-97). The team appreciated the opportunity to interview staff and parents, to observe classroom facilities, and to review the program efforts underway in the school. The review team would like to commend the following features of the school that were brought to the attention of the Department and that the team believes have a significant and positive impact on the delivery of educational services for students enrolled at ComCare. These features are as follows:

- *Upon a student’s admission, the private school leads the Team in considering how to transition the student to a less restrictive environment. Both schools provide extensive opportunities and will work to create an individual schedule that makes the most of the student’s strengths and provides him or her most comfort during the course of the transition, to ensure its success.*
- *Staff members are highly involved in the orientation of parents and students to the schools and their various components.*
- *According to every interviewee, the motivation of staff members and their support of students and of each other leads to a positive working environment and a safe and educational place for the students to learn and grow to their highest potential.*

Some of the commendations noted above are repeated within the body of the Department’s report under the appropriate compliance criteria.

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

- Interviews of three administrative staff.
- Interviews of three clinical staff.
- Interviews of three teachers.
- Interviews of four teaching assistants.
- Interviews of one parent of a Massachusetts student enrolled in the school.
- Student record review: A sample of sixteen Massachusetts student records was selected by the Department. Student records were first examined by the school’s staff and then verified by the onsite team using standard Department of Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Observation of classrooms and other facilities: A sample of seven instructional classrooms and other school facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.

The report includes findings organized under the 18 compliance areas listed in the table of contents. The findings explain the “ratings,” or determinations by the team about the implementation status of the compliance criteria reviewed within each of the 18 areas. 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 Terms” section of the report.) Where criteria were found to be either "Partially Implemented" or "Not Implemented," the private school must propose to the Department corrective action to bring those areas into compliance with the controlling statute or regulation. In some instances the team may have found certain requirements to be fully “Implemented” but made a specific comment on the school’s implementation methods that also may require response from the private school.

The private school is expected to incorporate the corrective action into any program improvement plans, including the school’s professional and paraprofessional staff development plan.

DEFINITION OF TERMS
FOR THE RATING OF EACH COMPLIANCE CRITERION

Commendable	The criterion is implemented in an exemplary manner significantly beyond the requirements.
Implemented	The requirement or criterion is substantially met.
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 private school.

AREA 1: REQUIRED INFORMATION, NOTIFICATIONS AND POSTINGS

CRITERION NUMBER	Legal Standard
<p style="text-align: center;">1.2</p> <p>Program & Student Description</p> <p>Program Capacity</p> <p>28.09(2)(b) (2, 3, 7)</p>	<p>The private school implements the following aspects of its programs and services as described in its program application which has been approved by the Department of Education:</p> <ul style="list-style-type: none"> a. Operational capacity; b. the identified population of students to be served, including the current and/or projected enrollment, ages of students and their educational and behavioral characteristics; c. philosophy, goals and objectives; d. mechanisms for the delivery of services.
	<p>Rating: Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Alignment to the Massachusetts Curriculum Frameworks is missing from the schools' description of their academics.

CRITERION NUMBER	Legal Standard
<p style="text-align: center;">1.3</p> <p>Program's Curriculum</p> <p>28.09(9)</p>	<p>The private school provides a description of the program's curriculum and general types of staff qualifications that have been established to meet all special education and related services included in students' Individualized Education Programs.</p> <p>Included in the private school's curriculum is a written plan that describes opportunities for students to participate in daily recreational and leisure activities that are appropriate to their ages, interests and needs.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Documentation review indicated that the schools have no written plan describing opportunities for students to participate in daily recreational and leisure activities that are appropriate to their ages, interests and needs.

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION

CRITERION NUMBER	
	Legal Standard
<p align="center">2.2</p> <p>Approvals, Licenses, Certificates of Inspection</p> <p>28.09(2)(b)4-5</p> <p>28.09(5)</p> <p>28.09(6)</p> <p>18.04(1)</p> <p>102 CMR 3.06 (4)(b)</p>	<p>Each private school program maintains the following current licenses, approvals, and certificates of inspection by state and local agencies in a place available for public and employee review:</p> <ul style="list-style-type: none"> a. Building occupancy* b. Safety inspection in all buildings by the Department of Public Safety or local building inspector c. Annual fire safety inspection by local fire department* d. Lead paint inspection (if applicable);* (102 C.M.R. 3.06(4)(b): “All buildings, residential or otherwise, utilized by children age six years and under or with a mental age of six years and under shall be free of lead paint.”) e. Health safety* f. Approval by local school committee (per MGL c. 76, s. 1) g. Approval by OCCS to operate a group care facility or a special education day care center (if applicable)* h. Asbestos inspection i. PCB inspection j. Other inspections that may be required by local or state authorities k. (If applicable) a statement as to whether previous application has been made for approval, and the action on it <p>*A program with a residential component may submit the most recent OCCS license in fulfillment of those requirements marked with an asterisk (*).</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:
Each program site has incomplete and expired documentation.

CRITERION NUMBER	
	<p style="text-align: center;">Legal Standard</p> <ol style="list-style-type: none"> a. Training of all direct service staff by a certified instructor for CPR certification and in basic and emergency first aid; b. secure storage of adequate first aid supplies, including but not limited to bandages, body substance isolation gloves, gauze, adhesive tape, hydrogen peroxide or other cleaning solutions, and ipecac. First aid supplies are easily accessible in each major activities area; c. written procedures for providing first aid are kept with the first aid supplies; d. telephone numbers for the fire department, police station, poison prevention center, hospital emergency room and ambulance service serving the school in both living quarters and educational facilities (These should also be posted conspicuously throughout the buildings.); e. the procedures to be followed in the case of illness or emergency, including the transportation methods and notification of parents; f. the procedures to be followed in the case of fire or other emergency; g. a procedure for informing parents of any first aid administered to their child or of any injury or illness that required care other than first aid; h. the procedures to be followed in the case of illness or emergency if the parents cannot be reached; i. a plan to ensure that vision, hearing postural and other required screening are conducted in accordance with M.G.L. c. 71 s 57; j. a written policy developed by the school for protecting students from exposure to foods, chemicals and other material to which they may be allergic. k. narrative description of provision of medical, nursing, and infirmary care; l. a written policy describing the administration of medications, per DPH regulations; m. administration of anti-psychotic medications including, where appropriate, “Rogers Procedures”; n. notification to appropriate parties of student-specific health-related incidents, injury, hospitalization, death ; o. notification to appropriate parties of systemic health-related problems/issues; p. no smoking policy (see Assurance on this subject); q. plan for preventive health care of students; r. toileting procedures s. name and contact information for consultant physician and emergency contacts. <ol style="list-style-type: none"> 3. Special Education Regulations and Reference Materials contain at least the following documents: <ol style="list-style-type: none"> a. Federal IDEA regulations: 34 CFR 300.300-.577 b. Appendix A to the above federal regulations. c. State regulations: 603 CMR 28.00 and 603 CMR 18.00 d. DOE IEP Process Guide and IEP Forms e. State restraint regulations (for day schools)

CRITERION NUMBER	
	Legal Standard
	*Private schools shall provide written notice to parents of enrolled students that copies of policies and procedures are available upon request.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The schools do not have one comprehensive policies and procedures manual that includes the information listed in part 1 above. The schools do not maintain a current health care policies and procedures manual.

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER	
	Legal Standard
4.1 Aspects of program, staff credentials, and student records 28.09(5)(a)	The private school makes available to the Department of Education information on all aspects of the school’s program(s), the certification and/or credentials of its staff and the individual records of enrolled Massachusetts students.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Documentation and interviews indicated that not all teaching staff are appropriately certified.

CRITERION NUMBER	
	Legal Standard
4.2	The private school maintains on site and makes available for public view the

CRITERION NUMBER	
	Legal Standard
<p data-bbox="212 386 370 485">Public Information and Postings</p> <p data-bbox="212 537 370 611">28.09(6)(a,b,c,d,e)</p> <p data-bbox="212 617 370 653">28.09(2)(b)(4)</p>	<p data-bbox="407 344 529 375">following:</p> <ul style="list-style-type: none"> <li data-bbox="407 380 1377 478">a. Documentation of the current approval or intake status issued by the Department of Education and/or licensing status issued by the Office of Child Care Services, if appropriate; <li data-bbox="407 483 1354 581">b. first aid, medical and emergency procedures, location of nearest telephones within each building, and emergency telephone numbers (must be posted in each building); <li data-bbox="407 585 1224 617">c. evacuation routes and procedures (must be posted in each room); <li data-bbox="407 621 1370 747">d. program information including a statement of purpose, general description of educational program and an organizational chart showing the current administrative structure of the private school, including the lines of authority and staff assignments; <li data-bbox="407 751 1370 814">e. a notice that use of tobacco products is not permitted on school property or at any school related function; <li data-bbox="407 819 834 850">f. current tuition rate for students; <li data-bbox="407 854 1354 951">g. evidence of authority to operate the private school including documents that identify ownership and, as applicable, partnership agreements, the names of officers and board members, charters, articles of organization and by-laws.
	<p data-bbox="407 961 792 993">Rating: Partially Implemented</p> <p data-bbox="922 961 1354 993">RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Not all sites have all the required postings.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="224 1362 358 1562">4.4 Advanced Notice of Program/Facility Change</p> <p data-bbox="224 1593 358 1629">28.09(5)(c)</p>	<p data-bbox="407 1362 1393 1562">Prior to any substantial change to the program or physical plant, the private school provides written notification to the Department to obtain approval. The program must also provide written notification to the Department of any sudden and/or unexpected changes that may impact the overall health or safety of students and/or the delivery of services required by IEP's. Examples of changes include, but are not limited to:</p> <ul style="list-style-type: none"> <li data-bbox="407 1566 1398 1692">a. any change (either an increase or reduction) in services or staff including temporary staff shortages, that results in a change from the previously approved student/teacher (or student/childcare) ratios and/or a change in the program or service delivery to students per their Individualized Education Programs; <li data-bbox="407 1696 1073 1728">b. building changes that affect the care of the students; <li data-bbox="407 1732 997 1764">c. major changes in the population to be served; <li data-bbox="407 1768 1370 1831">d. any alteration of the service configuration of the program as last approved by the Department; and <li data-bbox="407 1835 992 1866">e. significant changes in policies or procedures.
	<p data-bbox="407 1871 678 1902">Rating: Implemented</p> <p data-bbox="922 1871 1338 1902">RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 447 310 474">4.5</p> <p data-bbox="217 512 365 575">Immediate Notification</p> <p data-bbox="233 613 349 640">18.03(10)</p> <p data-bbox="233 646 349 674">18.05(7)</p> <p data-bbox="233 680 349 707">28.09(12)</p>	<p data-bbox="407 447 1411 575">The private school makes immediate notification to the parent, the public school district special education administrator, and any State Agency involved in the student care or placement (by telephone and letter), and the Department of Education (by telephone and Form 2) of the following incidents:</p> <ul style="list-style-type: none"> <li data-bbox="407 581 716 609">a. the death of a student <li data-bbox="407 615 1377 709">b. the hospitalization of a student (including out-patient emergency room visits) due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program <li data-bbox="407 716 1045 743">c. any motor vehicle accident causing student injury <li data-bbox="407 749 1330 812">d. the in-patient psychiatric hospitalization of a student due to an emergency mental health crisis which occurs while the student is in the program <li data-bbox="407 819 1362 846">e. <u>any</u> student injury resulting from a restraint which requires medical attention <li data-bbox="407 852 1349 879">f. whenever any student is administered medication in an emergency situation <li data-bbox="407 886 846 913">g. whenever any student runs away <li data-bbox="407 919 1321 1014">h. emergency termination of a student including circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others <li data-bbox="407 1020 1403 1148">i. a written termination summary explaining the reasons for the emergency termination is sent to the parent(s), the student (if over 14 years of age) local Administrator of Special Education, officials of the appropriate Human Service Agency and the Department of Education <li data-bbox="407 1155 1378 1278">j. the filing of a 51-A report with DSS, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student against a school staff member for abuse or neglect of a student <li data-bbox="407 1285 1354 1348">h. any action taken by a federal, state or local agency that might jeopardize the school's approval with DOE <li data-bbox="407 1354 1341 1449">i. any legal proceeding brought against the school or employee arising out of circumstances related to the care or education of any student in the school regardless of state of residency.
	<p data-bbox="407 1493 675 1520">Rating: Implemented</p> <p data-bbox="922 1493 1341 1520">RESPONSE REQUIRED: No</p>

**AREA 5: ADMISSIONS PROCEDURES AND COORDINATION/COLLABORATION
WITH SCHOOL DISTRICTS**

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">5.1</p> <p style="text-align: center;">Student Admissions</p> <p style="text-align: center;">28.09(11)</p>	<p>The private school develops and implements written admissions criteria, policies and procedures that include the following:</p> <ul style="list-style-type: none"> a. copies of the school’s policies and procedures that must be provided to the student (if appropriate), parents and the placing public school district prior to admission of the student; b. documentation from a licensed physician of a complete physical examination of the student not more than twelve (12) months prior to admission. In the event of emergency placements, the school shall make provisions for a complete examination of the student within thirty (30) days of admission; c. a complete and thorough description of the interview process; and d. consent forms.
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">5.2</p> <p style="text-align: center;">Policies and Procedures for Coordination and Collaboration with Public School Districts</p> <p style="text-align: center;">28.06 (2-3) 28.09(9)(c)& (d) 28.09(2)(b)7</p>	<p>The private school works collaboratively with the placing public school district to ensure that, to the maximum extent appropriate, children with disabilities are provided opportunities to be educated and to socialize with children who do not have disabilities, are provided access to the general education programs, and are given opportunities to return to a less restrictive educational program.</p>

CRITERION NUMBER	
	Legal Standard
Federal Regulations: 34 CFR 300.349 and 300.400-401	
	Rating: Commendable RESPONSE REQUIRED: No

Department of Education Findings:

The program works collaboratively with the placing public schools in a variety of creative ways to provide opportunities for students to be in a less restrictive environment.

CRITERION NUMBER	
	Legal Standard
5.3 Contents of Coordination and Collaboration with Public School Districts 28.06(2-3) 28.07(5) 28.09(9)(c) &(d) 28.09(2)(b)(7) 34 CFR 300.349 and 300.400-401	<p>The private school has policies/procedures that describe roles and responsibilities of all staff as well as general communication/coordination/collaboration procedures that address the following:</p> <ul style="list-style-type: none"> a. consideration of possible placement, admissions process; b. IEP development and implementation and roles in 3-year eligibility re-determinations; c. Contents and general arrangements for executing contracts with placing school districts; d. Participation of the private or public school program as well as school district representatives at the TEAM and other key meetings, including reviewing/revising the IEP; e. Written progress reports; f. Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc. g. Administration of tests; h. Preparations that are made for the student’s return to a public school or other less restrictive setting; i. Preparations for students approaching or reaching ages 14, 16 and 18, later education, and adult life, consistent with IDEA “transition” requirements and state age-of-majority law and j. school district monitoring of student progress.

	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

While there was some information in the student records related to the items above, there was no indication of coordination and collaboration with the public school districts as documented in the student records.

CRITERION NUMBER	
	Legal Standard
5.4 Training 18.05(11)(g) (h)	All staff with school district contact responsibility are trained regarding their particular roles and responsibilities.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
5.5 Staff Coordinator 28.09(7)	A senior person is designated to communicate and work effectively with all public school districts that have placed students in the program.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT LEARNING TIME

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">6.1</p> <p style="text-align: center;">Daily Instructional Hours</p> <p style="text-align: center;">603 CMR 27.00</p>	<p>The private school provides an average annual minimum of the following instructional hours:</p> <ul style="list-style-type: none"> a. Elementary: 5 hours per school day b. Secondary: 5 ½ hours per school day
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">6.2</p> <p style="text-align: center;">School Days per Year</p> <p style="text-align: center;">28.09(9)</p>	<p>The private special education program is conducted for the following days (exclusive of weekends, holidays, vacations):</p> <ul style="list-style-type: none"> a. 10 month program- 180 days b. 11 month program- 198 days c. 12 month program- 216 days
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

<p>AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS -- CURRICULUM FRAMEWORKS AND STATE ASSESSMENTS</p>

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">7.1</p> <p>Curriculum Frameworks</p> <p style="text-align: center;">28.09(9)(b)</p>	<p>The private school provides evidence that its curriculum is aligned with the Massachusetts Curriculum Frameworks.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:
Interviews and document review indicated that alignment with the Massachusetts Curriculum Frameworks is in progress but not complete.

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">7.2</p> <p>Staff Training</p> <p style="text-align: center;">28.09(9)(b)</p>	<p>The private school shall ensure that all staff responsible for implementing services as specified on students’ Individualized Education Programs have an understanding and knowledge of the general curriculum expectations and learning standards of the Massachusetts Curriculum Frameworks and shall incorporate such knowledge into the school’s educational program.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:
Interviews indicated that staff responsible for implementing services as specified on students’ Individualized Education Programs do not have an understanding and knowledge of the general curriculum expectations and learning standards of the Massachusetts Curriculum Frameworks.

CRITERION	
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NUMBER	
	Legal Standard
<p>7.3</p> <p>State/District Wide Assessments</p> <p>28.09(9)(d)</p>	<p>The private school has written procedures outlining how the school will ensure that all enrolled students participate in state and/or district wide assessments in accordance with the assessment participation information provided on the student's IEP. Such procedures shall include how the approved program will provide for MCAS testing accommodations and/or administration of alternate assessments when required.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Interviews at the Berkeley site indicated that the written policies and procedures for students participating in MCAS are not being implemented in a consistent fashion which assures that ALL students participate in this mandated state testing program.

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION PROGRAMS

CRITERION NUMBER	
	Legal Standard
<p>8.1</p> <p>Implementation -- Educational Services</p> <p>28.04 and 28.09(8)</p> <p>34 CFR 300.24</p>	<p>The private school specifies how each of the following educational services are implemented for the described student population of the school:</p> <ul style="list-style-type: none"> a. All Massachusetts Curriculum Frameworks b. Curriculum of the Placing District including high school graduation requirements c. Self-help, Daily Living Skills d. Social/Emotional Needs e. Physical Education; Adapted Physical Education f. Pre-Vocational, Vocational, and Career Education g. Other: any other specialized educational service(s) provided by the program
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Documentation, interviews and record review indicated that parts a and f above are not being

implemented. In addition, there are limited opportunities for students to participate in academically based electives such as the creative arts and foreign languages.

CRITERION NUMBER	
	Legal Standard
<p>8.2</p> <p>Implementa- tion – Related Services</p> <p>28.04 and 28.09(8)</p> <p>34 CFR 300.24</p>	<p>The private school specifies how each of the following related services is implemented for the described student population of the school:</p> <ul style="list-style-type: none"> a. Transportation b. Braille Needs (blind/visually impaired) c. Assistive Technology Devices/Services d. Communication Needs (all students) e. Communication Needs (deaf/hard of hearing students) f. Language Needs (Limited English Proficient students) g. Physical Therapy h. Occupational Therapy i. Recreation Services j. Mobility/Orientation Training k. Psychological Services, Counseling Services, Rehabilitation Counseling Services, Social Work Services l. Parent Counseling and Training m. School Health Services, Medical Services n. Social Work Services o. Other (music therapy, sensory integration therapy) <p>(Related services are defined in the federal regulations as those services which are developmental and corrective as well as supportive services that <u>assist a child to benefit from</u> special education and/or access the general curriculum.)</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>8.3</p> <p>Implementati on – Supplemen- tary Aids/Services</p> <p>34 CFR 300.28</p>	<p>The private school provides examples (through a list or narrative) of the kinds of supplementary aids and services that are available for students in the program.</p>

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.4 Current IEP & Student Roster 28.09	The private school has on file a current IEP for each enrolled Massachusetts student that has been issued by the responsible public school district and consented to by the student's parent(s) (or student in applicable situations) for each student enrolled in the program.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.5 Education Case Manager 28.09	The private school program assigns an educational case manager to each student.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.6 IEP Implementation 28.09	The private school program implements all services on the students' IEP.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 579 310 611">8.7</p> <p data-bbox="237 646 345 743">IEP- Progress Reports</p> <p data-bbox="240 779 342 810">28.07(3)</p> <p data-bbox="204 846 378 1014">20 U.S.C. Chapter 33, Section 1414(d)(1)(A) (viii)</p> <p data-bbox="240 1050 342 1108">34 CFR 300.347</p>	<p data-bbox="407 579 1401 743">The private school program sends copies, at least quarterly, of education progress reports to the parents and public school. Such reports include written information on the student’s progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.</p> <p data-bbox="407 747 1235 810">Copies of progress reports are maintained in student records, including documentation of persons or agencies receiving such reports.</p>
	<p data-bbox="407 1129 792 1161">Rating: Partially Implemented</p> <p data-bbox="922 1129 1349 1161">RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

There was no evidence of progress reports being sent to parents or to sending public school districts.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 1533 310 1564">8.8</p> <p data-bbox="204 1600 378 1696">IEP- Revisions and Changes</p> <p data-bbox="215 1732 367 1764">34 CFR 300</p>	<p data-bbox="407 1533 1390 1629">The private school notifies the public school and parents whenever the IEP needs to be revised to reflect a change in goals, placement, or a return to a less restrictive setting.</p> <p data-bbox="407 1665 1401 1728">In no case does the private school conduct a Team meeting without the authorization and presence of an administrative representative of the responsible school district.</p> <p data-bbox="407 1764 1279 1795">In no case does the private school issue a new or revised IEP for a student.</p>
	<p data-bbox="407 1812 678 1843">Rating: Implemented</p> <p data-bbox="922 1812 1339 1843">RESPONSE REQUIRED: No</p>

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CRITERION NUMBER	
	Legal Standard
	Human Services (at least two years prior to the student's 22 nd birthday) in accordance with the requirements of MGL c.71, §12A-§12C (known as Chapter 688).
	Rating: Implemented RESPONSE REQUIRED: No

AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT

CRITERION NUMBER	
	Legal Standard
9.1 Policies and Procedures 18.05(5)	The private school develops a comprehensive set of policies and procedures dealing with discipline and behavior management that meet all federal special education requirements, and all applicable state and federal requirements pertaining to the use of restraint. (See Criterion 9.4 below.) These policies and procedures are consistently implemented.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
9.2 Discipline Code IDEA-97	The private school program participates with the responsible school district in the development of the student's IEP which indicates whether the student is or is not expected to meet the private school program's regular discipline code and, if not, what modifications are required.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p>18.05(6)</p>	<p>and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement explaining the reasons for suspension to the parents and public school district.</p> <p>b. No student may be suspended and sent home unless a responsible adult is available to receive the student.</p> <p>c. Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program.</p> <p>d. Procedures must be in place to record and track the number and duration of suspensions, including suspensions from any part of the student’s IEP program (including transportation).</p> <p>NOTE: Sending a student home “early” is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Education.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>9.6</p> <p>10+ Day Suspensions</p> <p>Joint responsibilities of the private school and the responsible school district</p> <p>34 CFR</p>	<p>The private special education program implements the following procedures when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days:</p> <p>a. A request is made of the student's responsible school district to convene an IEP Team meeting, which includes representation from the private school, prior to a suspension that constitutes a change in placement of a student with disabilities;</p> <p>b. The private school participates in the Team meeting:</p> <p>(1) to develop or review a functional behavioral assessment of the student’s behavior and to develop or modify a behavior intervention plan;</p> <p>(2) to identify appropriate alternative educational setting(s); and</p> <p>c. to conduct a manifestation determination (i.e.- to determine the relationship between the disability and the behavior). [To do this, the Team asks questions including: Is the IEP appropriate? Is the placement appropriate? If there was a behavior plan, was it implemented? Does the student understand the impact and consequences of his/her behavior? Can the student control his/her behavior?].</p> <p>d. If the Team determines that the behavior is <u>NOT</u> a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student</p>

CRITERION NUMBER	
	Legal Standard
300.519-529	with disabilities that may be in some other setting. e. If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the placing district, in coordination with the private school, takes steps (with the consent of the parent) to modify the IEP, the behavior intervention plan, and/or the placement.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
9.7 Terminations	The private school program does not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student.
18.05(7) 28.09(12)(b)	The program has developed a written termination policy that includes, but is not limited to, the following: a. At the request of the public school district, the program delays termination of the student for up to two (2) calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination. b. With mutual agreement between the private special education program and the placing public school district, termination of enrollment may be delayed for longer than two calendar weeks. c. For <u>planned</u> terminations, the private special education program notifies the public school district of the need for an IEP review meeting and provides notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date. d. For <u>emergency</u> terminations, which are circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program follows the procedures required under 603 CMR 28.09(12)(b) and immediately notifies the Department of Education.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
Written plan needs to be updated to reflect current regulations.

AREA 10: EDUCATIONAL STAFFING REQUIREMENTS -- STUDENT:TEACHER AND STUDENT:CHILDCARE WORKER RATIOS
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CRITERION NUMBER	
	Legal Standard
10.1 Student: Teacher Ratios 28.06(6)(d)& (g) 28.09(7)(e)	Unless otherwise approved by the Department of Education, the private special education program ensures that instructional groupings do not exceed: a. 8 students to one certified teacher without an aide, or b. 12 students to one certified teacher with an aide.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.2 Age Range 28.06(6)(f)	The program ensures that the ages of the youngest and oldest child in any instructional grouping do not differ by more than forty-eight months (4 years). (NOTE: No waiver of this requirement can be approved by the Department of Education.)
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.3 Programs for Young Children	The program ensures that any and all substantially separate classrooms for young children (3 and 4 year olds) do not exceed nine (9) students with one teacher and one aide.

CRITERION NUMBER	
	Legal Standard
28.09(7)(e) 28.06(7)	
	Rating: Not Applicable RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.4 Student: Child Care Ratios 28.09(7) 18.01(2)	The program has a student to child care worker ratio of: a. not lower than 4:1 nor greater than 6:1 during non-“school day” waking hours, and b. not lower than 6:1 nor greater than 8:1 during sleeping hours.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.5 Alternative Ratios 18.03(2)	Where applicable, the private special education program has submitted a justification for alternative ratios for student to childcare workers, and the Department has approved these.
	Rating: Not Applicable RESPONSE REQUIRED: No

**AREA 11: EDUCATIONAL STAFFING REQUIREMENTS -- PERSONNEL POLICIES,
QUALIFICATIONS, RESPONSIBILITIES**

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">11.1</p> <p>Personnel Policies</p> <p>28.09(7) 28.09(11)(f) 18.05(11)</p>	<p>The private special education program has developed written personnel policies and procedures that describe:</p> <ol style="list-style-type: none"> a. Criteria and procedures for hiring, written evaluations, suspension or dismissal of any staff person; and development of teacher and staff evaluation forms; b. Procedures for handling staff complaints; c. Provisions for vacations, holidays, leaves, sick days, and any other benefits offered by the program; d. A plan for using volunteer and/or intern services; e. Equal employment/educational opportunities/affirmative action in regard to race, color, creed, national origin, sex, sexual orientation and handicap; and f. Procedures for screening prospective and current staff members whose responsibilities at the school provide them with the opportunity for unsupervised contact with students and for updating this information at least every three years. (This should include, but not be limited to, use of Massachusetts' CORI system.)
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">11.2</p> <p>Administrative Responsibility</p> <p>18.05(11)(a)</p>	<p>The private special education program designates one person who has administrative responsibility over the operation of the school. Where a school with more than 40 professional certified staff has one (or more) assistant administrator(s), the Department of Education has approved such positions.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING

CRITERION NUMBER	
	Legal Standard
<p align="center">12.1</p> <p>Staff Orientation Training</p> <p>18.05(11)(g)</p>	<p>The private special education program develops a written plan for staff orientation and provides an orientation-training program for all new staff to ensure an understanding of the school’s philosophy, organization, program, practices and goals.</p> <p>The written plan shall describe how newly hired staff are provided training on all required topics at the time of hire if the required topics have already been covered with existing staff.</p> <p>New staff are not be assigned direct care duties with students until they have participated in all mandated training through their orientation program.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p align="center">12.2</p> <p>Annual In-Service Training Plan and Calendar</p> <p>28.09(7)(f)</p> <p>18.05(11)(h)</p>	<p>The private special education program develops and implements a written plan for staff orientation and training that is consistent with the needs of the student population, appropriate to the role of each staff member and provides, on average, at least two (2) hours per month of relevant training for all staff including non-professional staff (child care workers/direct care staff on all shifts). Staff input is elicited and considered.</p> <p>The following topics are required in-service training topics and are offered annually to all staff providing direct care services to students:</p> <ol style="list-style-type: none"> a. Reporting abuse and neglect of students to the Department of Social Services (51-A) and/or the Disabled Persons Protection Commission (See also, 12.2 (b), below.) b. Emergency first aid training by a certified instructor and, where specifically required by the Department of Education, certification in CPR (See also, 12.2 (c), below.) c. Medication administration (including, but not limited to, administration of antipsychotic medications, discussions of medications students are currently taking and their possible side effects) (See also, 12.2 (d), below.)

CRITERION NUMBER	
	Legal Standard
	<ul style="list-style-type: none"> d. Transportation safety (if applicable) e. Student record policies and confidentiality issues (See also, 12.2 (e), below.) f. Evacuation policies and emergency procedures including, but not limited to, utilization of the alarm system, evacuations in instances of fire or natural disaster (See also, 12.2 (f), below.) g. Behavior management policies and procedures used by the program such as positive reinforcement, point/level systems, token economies, time-out procedures (See also, Area 9 and 12.2(a)) h. Restraint procedures including de-escalation methods used by the program (See also, 9.4 above.) i. Curriculum alignment with the Massachusetts Curriculum Frameworks, and j. Procedures for inclusion of all students in MCAS testing and/or alternate assessments.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Staff interviews indicated that training has not been provided in the area of curriculum alignment.

CRITERION NUMBER	
	Legal Standard
<p>12.2 (a)</p> <p>Behavior Management and Restraint Training</p> <p>28.09(11)</p> <p>18.05(5)</p>	<p>Training of Behavior Management and Suspension and Termination procedures includes:</p> <ul style="list-style-type: none"> a. Program’s student conduct/discipline code; b. Description of safeguards for students’ emotional, physical, and psychological well-being; c. Policies on use of time-out procedures; d. Techniques for dealing with disruptive and violent behavior including skill training on the proper use of non-violent restraint. e. Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy; (NOTE: OCCS residential regulations on behavior management, including restraint and time-out, are found at 102 CMR 3.07(7). The provisions relating to restraint are expanded in EOHHS/OCCS’s “Guidelines for Physical Restraint” issued 1/11/00. DMH regulations re restraint may apply to schools serving DMH clients. DOE Regulations on the Use of Restraints in Publicly Funded Education Programs [603 CMR Section 46.00] apply to a private day programs approved by the Department of Education where such program does not hold the approval of the Department of Education as a residential school.) f. Procedures for obtaining and recording data regarding student discipline and

CRITERION NUMBER	
	Legal Standard
	behavior along with a description of how such data will be integrated into IEP Team discussions. g. Procedures for obtaining parental consent, if appropriate.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (b) Child Abuse Reporting 18.05(9)(j)	The program has written procedures and staff training for the reporting of suspected child/student abuse or neglect to the Department of Social Services (MGL c.119, s. 51A) and the Disabled Persons Protection Commission (MGL c. 19C). Such procedures include notification to the Department of Education when a report is filed against the program or its employee(s) or student(s).
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (c) Emergency First Aid Training and CPR Certification 18.05(9)(e)	The program develops written policies and procedures for annual basic/emergency first aid training for all direct care staff. Where specifically required by the Department of Education, direct care personnel maintain appropriate CPR certification.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (d) Medication Training 18.05(9)(f)(3)(c)	<p>Training by a physician or registered nurse is given to all staff providing care and instruction to students receiving medication. The training includes the nature of the medication, potential side effects and any special precautions or requirements.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Interviews indicated that medication training does not include enough training on the nature of the medication, potential side effects and special precautions and requirements.

CRITERION NUMBER	
	Legal Standard
12.2 (e) Student Record Training 28.09(10)	<p>The private school keeps current and complete files for each publicly funded enrolled student and manages such files consistent with the Massachusetts Student Record Regulations (603 CMR 23.00) and MGL c. 71, s. 34H.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (f) Emergency Procedures Training 18.05(10)	<p>All staff are trained relative to emergency procedures, evacuation policies and procedures and in the use of the alarm system and equipment such as fire extinguishers.</p> <p>The program conducts at least two evacuation drills per shift at each location annually (including all day programs, and residences in the evening and overnight) to ensure that all students are able to leave the building safely. In addition, the program shall:</p> <ol style="list-style-type: none"> a. help all students to understand the nature of the drills b. make special provisions for the evacuation of any mobility-impaired student in

CRITERION NUMBER	
	Legal Standard
	the facility c. keep a written log of each evacuation drill, detailing such things as the date, time elapsed, students and staff who participated and any witnesses.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (g) Interns and Volunteers Training 18.05 (11)(I)	If applicable, the private school’s training plan includes provisions for orientation, training and supervision of interns, volunteers and others who work at the program.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Documentation review and interviews indicated no evidence of a plan for orientation, training and supervision of interns, volunteers and others who work at the program.

CRITERION NUMBER	
	Legal Standard
12.2(h) Child Care Staff Development and Training 18.03(3)	The private special education program develops and implements with staff input a detailed written plan for staff development and in-service training of all childcare workers.
	Rating: Not Applicable RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (i) Staff Evaluations 18.05(11)(c)1.	Written performance evaluations are maintained on all staff. Personnel are evaluated annually.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

While personnel files indicated that annual staff evaluations are conducted, interviews indicated that they are not always conducted annually.

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS

CRITERION NUMBER	
	Legal Standard
13.1 Educational Facilities and Materials 29.09(8)	The private special education program provides the facilities, textbooks, equipment, technology, materials and supplies needed to provide the special education and related services specified on the IEPs of enrolled students.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

While some education materials have been recently purchased by the program, interviews with staff indicated that some of the schools' materials and supplies are often outdated and chosen by staff who are not qualified to make such selections. Library resources do not meet the students' needs and the technology available is insufficient.

CRITERION NUMBER	
	Legal Standard
Space 18.04(6)(a)	
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
13.6 Library/ Resource Room 18.04(6)(b)	In addition to the regular instructional area, the school has a library or resource room (or comparable instructional resource area approved by the Department of Education) that contains a variety of materials appropriate to the age and abilities of the students enrolled.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The library/resource room does not contain a variety of materials appropriate to the age and abilities of the students enrolled.

CRITERION NUMBER	
	Legal Standard
13.7 Indoor Space 18.04(7)(a)	<p>The school provides a minimum of thirty-five (35) square feet of activity space per student exclusive of classrooms, hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices or areas regularly used for other purposes.</p> <p>Additionally, the program:</p> <ol style="list-style-type: none"> a. ensures that all areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards; b. protects all steam and hot water pipes by permanent screen guards, insulation, or any other suitable device which prevents students from coming in contact with them; c. maintains room temperatures at not less than 68 degrees Fahrenheit at zero Fahrenheit outside and at not more than the outside temperature when the outside temperature is above 80 degrees Fahrenheit; and d. designates space separate from classroom areas for administrative duties and staff or parent conferences.

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
13.8 Outdoor Space 18.04(7)(b)	<p>Outdoor play areas are accessible to direct sunlight and free from hazards and/or harsh or abrasive materials. If adjacent to a highway or other dangerous area, the outdoor play areas are fenced with a non-climbable barrier at least five feet high.</p> <p>The school shall maintain or have access to an outdoor play area of at least seventy-five square feet per student using it at any one time.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The Hyannis location does not have an outdoor play area of at least seventy-five square feet per student using it at any one time.

AREA 14: REQUIREMENTS FOR DAILY CARE

CRITERION NUMBER	
	Legal Standard
14.1 Clothing, Grooming and Hygiene 18.03(5)	<p>The school makes provisions with parents or, where appropriate, state agencies to assure that all students are provided with clean, appropriate and seasonal clothing as well as personal grooming and hygiene articles and materials necessary to meet his/her individual needs.</p>
	Rating: implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
Involvement and Parents' Advisory Group 18.05(4)(a)	The program has designated a staff person to support the Parents' Advisory Group.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Neither of the schools has a Parents' Advisory Group. However the Department is aware of the attempts the program has made to establish a Parents' Advisory

CRITERION NUMBER	
	Legal Standard
15.2 Orientation Procedures 28.09(11)	The school has developed and implemented orientation procedures for parents and students upon student admission to the program.
	Rating: Commendable RESPONSE REQUIRED: No

Department of Education Findings:

The schools have developed a comprehensive orientation process for students and parents that involves the sending school district, staff members, and family visits.

CRITERION NUMBER	
	Legal Standard
15.3 Change of Student's Legal Status 18.05(4)(b)	The school has a procedure for assuring that it is informed by a parent or guardian of any changes in a student's legal status and of the results of all judicial and administrative proceedings concerning the student, and for disseminating this information to appropriate personnel. (See also Criterion 15.6.)

CRITERION NUMBER	
	Legal Standard
15.6 Consent at Age of Majority 28.07(5)	<p>One year prior to the student’s reaching age eighteen, the program works collaboratively with the responsible school district to ensure consent is obtained from the student to continue the special education program upon turning age eighteen, or to ensure that another mechanism is in place to obtain consent, i.e.:</p> <ul style="list-style-type: none"> a. the parent or other legally eligible party has petitioned and been appointed guardian by a court of competent jurisdiction; b. the student chooses to share decision-making with his or her parent; c. the student chooses to delegate continued decision-making to his or her parent or other willing adult. <p>(See also Criterion 15.3.)</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.7 Registering Complaints 18.05(1)(b)16	<p>The private special education program has developed and made available to parents and students written procedures that may be used to register complaints regarding the student’s education and care at the facility.</p>
	Rating: Implemented RESPONSE REQUIRED: No

AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER	
	Legal Standard
16.1 Health Care Policy and	<p>The school has a comprehensive, written health care policies and procedures manual that clearly describes provisions made for medical, nursing and infirmary care of students. This manual is approved by the health care consultant, includes all applicable policies and procedures, and is made available to staff.</p>

CRITERION NUMBER	
	Legal Standard
Procedure Manual 18.05(9)(c) 18.05(9)(d)	
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
See the finding under 3.2 above.

CRITERION NUMBER	
	Legal Standard
16.2 Physician Consultation 18.05(9)(a)	The school has secured the services of a licensed physician available for consultation.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.3 Nursing 18.05(9)(b)	The school has secured the services of a registered nurse or a licensed practical nurse available as deemed necessary by the Department depending upon the health care needs of the school population. (See Criterion 3.2 above.)
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
See finding under 3.2.

CRITERION NUMBER	
	Legal Standard

CRITERION NUMBER	
	Legal Standard
	<ul style="list-style-type: none"> g. the school shall have a written policy regarding the amount of medication to be kept on the premises at any one time for each student receiving medication; h. a review of medications administered to a student shall be incorporated into all progress reviews conducted for the student.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The schools do not review medications or deal with medication issues in progress reviews. In addition, documentation review indicated medication errors. (Refer to 3.2)

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">16.6</p> <p>Administra- tion of Antipsychotic Medication</p> <p>18.05(9)(f)(9)</p>	<p>The school does not administer or arrange for the administration of antipsychotic medication (drugs used in treating psychoses and alleviating psychotic states) except under the following circumstances:</p> <ul style="list-style-type: none"> a. antipsychotic medication shall be prescribed by a licensed physician for the diagnosis, treatment and care of the child and only after review of the student's medical record and actual observation of the student; b. the prescribing physician shall submit a written report to the school detailing the necessity for the medication, staff monitoring requirements, potential side effects that may or may not require medical attention and the next scheduled clinical meeting or series of meetings with the student; c. no antipsychotic prescription shall be administered for a period longer than is medically necessary and students on antipsychotic medication must be carefully monitored by a physician; e. staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any; f. except in an emergency, as defined in 18.05 (9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. If a student is in the custody of his/her parent(s), parental consent (in writing or in a witnessed conversation) is required. Parental consent may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought. g. in an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action

AREA 18: STUDENT RECORDS

CRITERION NUMBER	Legal Standard
18.1 Student Records 28.09(10)	The private school keeps current and complete files for each publicly funded enrolled Massachusetts student and maintains such files consistent with the Massachusetts Student Record Regulations (603 CMR 23.00) and MGL c. 71, s. 34H.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Student records were not current and complete. See finding under 18.2 below.

CRITERION NUMBER	Legal Standard
18.2 Student Records 28.09(10) MGL c.71, s. 34H 603 CMR 23.00 Family Educational Rights and Privacy Act (FERPA)	Student records are legibly dated and signed by persons making entries. Individual access logs are maintained for each record. All records contain: <ol style="list-style-type: none"> a. log of access consistent with requirements of the Massachusetts Student Record Regulations. 18.05(11)(a) b. face sheets with the following information: <ul style="list-style-type: none"> • Name • Date of birth • Recent picture • Date of admission to private school • Name of educational case manager • Location of residential service within facility (if applicable), and name of residential case manager or supervisor • Date initially eligible for special education (if known) • Date of most recent special education evaluation(s) • Date of next expected 3-year reevaluation • Starting and expiration dates of current (or most recent) IEP • Primary language of student • Legal status of student • If under 18: in custody of both parents, one parent [specify], legal guardian [specify], other [specify]

CRITERION NUMBER			
	Legal Standard		
	<ul style="list-style-type: none"> • If 18 or over: makes own decisions; under legal guardianship [specify]; has shared role with parent in education decisions [specify] • Other state agency/ies involved with student: • Parent/guardian contact information: names, addresses, H & W telephone numbers, e-mails • Primary language of parents/guardian • Contact information of persons other than parents to be contacted in an emergency (names, addresses, telephone numbers) • Educational surrogate contact information (if applicable) • Date of last complete physical health examination by physician • Notation of allergies and/or any other medical condition affecting student's well-being, e.g., seizures • Medications • Information specific to this student re handling of medical emergencies <p>c. copy of IEP;</p> <p>d. copies of quarterly progress reports and any modification of the IEP;</p> <p>e. copy of the student's termination or discharge plan;</p> <p>f. health records, including reports, documentation of physical examinations, allergies, screening tests, results of medical care;</p> <p>g. all evaluations or assessments conducted of the student;</p> <p>h. pertinent correspondence concerning the student;</p> <p>i. information regarding the use of behavior management interventions including, but not limited to, restraint (chemical, mechanical, physical) and time-out procedures; and</p> <p>j. copies of all incident reports.</p>		
	Rating: Partially Implemented	RESPONSE REQUIRED:	Yes

Department of Education Findings:

Some student records were missing face sheets, while other face sheets were incomplete.

PRIVATE SCHOOL PROGRAM REVIEW REPORT 2002.doc

File Name: ComCare Program Review Final Report 2002.doc

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Prepared by: PSM; edited by CS, JDS