



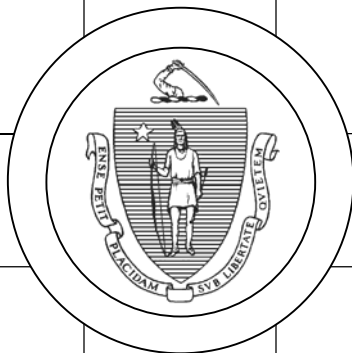
Devereux School

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

Dates of Onsite Visit: July 28 - 31, 2003
Date of Draft Report: September 15, 2003
Due Date for Comments: October 10, 2003
Date of Final Report: November 4, 2003
Action Plan Due: January 5, 2004

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

Devereux School

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 DOCUMENTATION8

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 ASSESSMENTS19

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.....32

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING.....36

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS.....42

AREA 14: REQUIREMENTS FOR DAILY CARE45

AREA 15: PARENT AND STUDENT INVOLVEMENT46

AREA 16: HEALTH AND MEDICAL SERVICES.....49

AREA 17: TRANSPORTATION SAFETY54

AREA 18: STUDENT RECORDS55

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 2002-2003 were notified in September 2002 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 2002, 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 2002-2003 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 1997-2002 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 four-member Massachusetts Department of Education team visited Devereux School during the week of July 28, 2003 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 Devereux School. These features are as follows:

The staff at Devereux School are committed to the students. There are many long-term dedicated personnel who support the programs. Staff are actively recruited from other countries and all employees are well-supervised.

The Ropes Course and NYPUM (National Youth Project Using Minibikes) provide recreational activities for the students. The Project Adventure experiential class, which combines movement and activities to academics, is an option designated to meet the education needs of some students.

There is a comprehensive self-evaluation process in place to access program strengths as well as areas which require change.

The animal care program teaches student responsibility in a positive environment.

A school-wide priority is to ensure that staff evaluations are consistently conducted annually for everyone.

There is a strong clinical program to address individual student’s emotional needs.

Staff orientation training is comprehensive and exceeds the requirements for topics and time.

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 fourteen administrative staff.
- Interviews of four clinical staff.
- Interviews of eight teaching and educational support services staff.
- Interviews of seven child care staff.
- Interviews of no Parent Group representative. Three parents (of Massachusetts students enrolled in the school) requested and returned surveys.

- No interviews of representatives of state and local agencies responsible for placement of students in the school.
- Student record review: A sample of twenty 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 seventeen instructional classrooms and twelve school residences used in the delivery of programs and services were 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: No</p>

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: Implemented RESPONSE REQUIRED: No</p>

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 415 313 443">2.2</p> <p data-bbox="217 485 368 611">Approvals, Licenses, Certificates of Inspection</p> <p data-bbox="212 653 373 709">28.09(2)(b)4-5</p> <p data-bbox="240 720 345 747">28.09(5)</p> <p data-bbox="240 751 345 779">28.09(6)</p> <p data-bbox="240 783 345 810">18.04(1)</p> <p data-bbox="228 852 357 909">102 CMR 3.06 (4)(b)</p>	<p data-bbox="407 415 1403 510">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"> <li data-bbox="448 552 743 579">a. Building occupancy* <li data-bbox="448 583 1403 640">b. Safety inspection in all buildings by the Department of Public Safety or local building inspector <li data-bbox="448 644 1133 672">c. Annual fire safety inspection by local fire department* <li data-bbox="448 676 1403 770">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.”) <li data-bbox="448 774 662 802">e. Health safety* <li data-bbox="448 806 1175 833">f. Approval by local school committee (per MGL c. 76, s. 1) <li data-bbox="448 837 1403 909">g. Approval by OCCS to operate a group care facility or a special education day care center (if applicable)* <li data-bbox="448 913 727 940">h. Asbestos inspection <li data-bbox="448 945 678 972">i. PCB inspection <li data-bbox="448 976 1273 1003">j. Other inspections that may be required by local or state authorities <li data-bbox="448 1008 1386 1079">k. (If applicable) a statement as to whether previous application has been made for approval, and the action on it <p data-bbox="407 1121 1403 1178">*A program with a residential component may submit the most recent OCCS license in fulfillment of those requirements marked with an asterisk (*).</p>
	<p data-bbox="407 1224 675 1251">Rating: Implemented</p> <p data-bbox="919 1224 1341 1251">RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 1600 313 1627">2.3</p> <p data-bbox="212 1669 368 1829">OCCS License (Not applicable to Day Schools)</p>	<p data-bbox="407 1600 1403 1661">Each private school program has a current full license from the Office of Child Care Services (OCCS) (per 102 CMR 3.00) to operate as a residential school.</p>
	<p data-bbox="407 1839 675 1866">Rating: Implemented</p> <p data-bbox="919 1839 1341 1866">RESPONSE REQUIRED: No</p>

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS

CRITERION NUMBER	Legal Standard
<p>3.1 3.2 3.3</p> <p>Policies and Procedures Manuals</p> <p>28.09(11)(b) 18.05(9)(d)</p>	<p>The private school maintains on site Policies and Procedures Manuals* that include:</p> <ol style="list-style-type: none"> 1. An overall manual containing policies and procedures including, but not limited to: <ol style="list-style-type: none"> a. Student Admissions b. Child Abuse/Neglect c. Student Discipline/Behavior Management d. Coordination/Collaboration with School Districts e. Emergency Procedures f. Educational Program Procedures g. Parent and Student Involvement h. Personnel Policies and Procedures i. Student Protections j. Student Records k. Research, Experimentation, Fund Raising, Publicity, Observation l. Suspension and Termination m. Staff Training n. Student Transportation and transportation safety 2. The program maintains a written and current health care policies and procedures manual containing all required health-related policies and procedures, and approved by the health care consultant. The manual is readily available to all staff and addresses the following: <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

CRITERION NUMBER	
	Legal Standard
	<p>or of any injury or illness that required care other than first aid;</p> <ul style="list-style-type: none"> 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. <p>3. Special Education Regulations and Reference Materials contain at least the following documents:</p> <ul 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) <p>*Private schools shall provide written notice to parents of enrolled students that copies of policies and procedures are available upon request.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Documentation review of the Policies and Procedures Manual reveals that several areas are not appropriately addressed. In Criterion 3.1 b, there is no inclusion of the policy and practice of notifying the Disabled Persons Protection Commission for suspected abuse or neglect of students after their eighteenth birthday. Documentation for Criteria 3.1 d and i have been reviewed, but there is inconsistent implementation of the written policies. The written suspension and termination policy to notify the Department of Education, criterion 3.1 l, is not followed by the school. In Criterion 3.2 i, no record of postural screening is available. There are no written policies for Criteria 3.2 j and r.

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER	
	Legal Standard
<p>4.1</p> <p>Aspects of program, staff credentials, and student records</p> <p>28.09(5)(a)</p>	<p>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.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>4.2</p> <p>Public Information and Postings</p> <p>28.09(6)(a,b, c,d,e)</p> <p>28.09(2)(b)(4)</p>	<p>The private school maintains on site and makes available for public view the following:</p> <ul style="list-style-type: none"> 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; b. first aid, medical and emergency procedures, location of nearest telephones within each building, and emergency telephone numbers (must be posted in each building); c. evacuation routes and procedures (must be posted in each room); 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; e. a notice that use of tobacco products is not permitted on school property or at

CRITERION NUMBER	
	Legal Standard
	<p>any school related function;</p> <p>f. current tuition rate for students;</p> <p>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>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Observations of postings indicate that evacuation routes are not posted in all bedrooms.

CRITERION NUMBER	
	Legal Standard
<p>4.4 Advanced Notice of Program/ Facility Change</p> <p>28.09(5)(c)</p>	<p>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> <p>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;</p> <p>b. building changes that affect the care of the students;</p> <p>c. major changes in the population to be served;</p> <p>d. any alteration of the service configuration of the program as last approved by the Department; and</p> <p>e. significant changes in policies or procedures.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The Department of Education is not notified of significant changes in policies or procedures, Criterion 4.4 e.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 415 313 443">4.5</p> <p data-bbox="217 485 368 548">Immediate Notification</p> <p data-bbox="233 583 352 611">18.03(10)</p> <p data-bbox="233 617 352 644">18.05(7)</p> <p data-bbox="233 651 352 678">28.09(12)</p>	<p data-bbox="407 415 1411 548">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="407 554 716 581">a. the death of a student <li data-bbox="407 588 1378 678">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="407 684 1045 711">c. any motor vehicle accident causing student injury <li data-bbox="407 718 1330 781">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="407 787 1365 814">e. <u>any</u> student injury resulting from a restraint which requires medical attention <li data-bbox="407 821 1352 848">f. whenever any student is administered medication in an emergency situation <li data-bbox="407 854 846 882">g. whenever any student runs away <li data-bbox="407 888 1321 978">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="407 984 1403 1117">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 1123 1382 1255">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 1262 1357 1325">h. any action taken by a federal, state or local agency that might jeopardize the school's approval with DOE <li data-bbox="407 1331 1341 1421">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 1465 727 1493">Rating: Not Implemented</p> <p data-bbox="922 1465 1349 1493">RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Staff interviews and documentation indicate that the school does not consistently provide immediate notification of incidents by telephone and Form 2 to the Department of Education, although it is written in the Policies and Procedures Manual as standard procedure.

**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: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

While the school works collaboratively with some public school districts, review of documentation reveals that this criterion is not addressed in the Policies and Procedures Manual.

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.

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation reveals that there are no policies and procedures to address coordination and collaboration with public school districts, Criterion 3.1 d. There is no written evidence of school district monitoring of student progress in the student files.

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
6.1 Daily Instructional Hours 603 CMR 27.00	The private school provides an average annual minimum of the following instructional hours: a. Elementary: 5 hours per school day b. Secondary: 5 ½ hours per school day
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
6.2 School Days per Year 28.09(9)	The private special education program is conducted for the following days (exclusive of weekends, holidays, vacations): a. 10 month program- 180 days b. 11 month program- 198 days c. 12 month program- 216 days
	Rating: Implemented RESPONSE REQUIRED: No

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

CRITERION NUMBER	
	Legal Standard
7.1 Curriculum Frameworks 28.09(9)(b)	<ol style="list-style-type: none"> 1. Private school personnel reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum. 2. The private school has either aligned its curriculum with the Frameworks or has taken steps to provide students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Not all personnel who implement the curriculum have been trained in or have an understanding of the connection between the Massachusetts Curriculum Frameworks and the curriculum offered by the school.

CRITERION NUMBER	
	Legal Standard
7.2 Staff Training 28.09(9)(b)	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.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Staff interviews and personnel record review show that not all appropriate staff receive training in general curriculum expectations and learning standards of the Massachusetts Curriculum Frameworks.

CRITERION NUMBER	
	Legal Standard
7.3 State/District Wide Assessments 28.09(9)(d)	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.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION PROGRAMS

CRITERION NUMBER	
	Legal Standard
8.1 Implementation -- Educational Services 28.04 and 28.09(8) 34 CFR 300.24	The private school specifies how each of the following educational services are implemented for the described student population of the school: <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
	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: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

As indicated in the review of student files and documentation, Devereux School does not have a current, signed IEP for each enrolled Massachusetts student. The student roster does not address unsigned and outdated IEPs.

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
CRITERION NUMBER	
	Legal Standard
<p>8.7</p> <p>IEP- Progress Reports</p> <p>28.07(3)</p> <p>20 U.S.C. Chapter 33, Section 1414(d)(1)(A) (viii)</p> <p>34 CFR 300.347</p>	<p>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>Copies of progress reports are maintained in student records, including documentation of persons or agencies receiving such reports.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Student record reviews indicate a lack of documentation of the persons and agencies who receive student progress reports.

CRITERION NUMBER	
	Legal Standard
<p>8.8</p> <p>IEP- Revisions and Changes</p> <p>34 CFR 300</p>	<p>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>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>In no case does the private school issue a new or revised IEP for a student.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

In reviewing the student files, there are missing elements of the IEPs, including attendance sheets. It is not always clear who was present at the annual Team meeting.

CRITERION NUMBER	
	Legal Standard
8.9 IEP- Less Restrictive Placement 28.09(9)(c)	The private school program has a plan for ensuring that there are flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. Such mechanisms may include, but are not limited to, a capacity for part-time attendance at a public school or general education classroom, or other community program or a period of transition from one program option to a less restrictive program option.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation reveals that there is no written evidence of a plan or policy to address the procedures and mechanisms as described above.

CRITERION NUMBER	
	Legal Standard
8.10 IEP- Transition Planning 34 CFR 300.347(b)(1) 34 CFR 300.347(b)(2)	<p>For students who are fourteen (14) years of age or older, the private school works with the responsible school district to ensure that the IEP includes both a vision statement and documentation that describes transition <u>needs</u>.</p> <p>For students who are sixteen (16) years of age or older, the private school works with the responsible school district to ensure that the IEP contains both a vision statement and a statement of needed transition <u>services</u> including, if appropriate, a description of interagency responsibilities or any needed linkages.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of student records show that the IEPs for students sixteen and older do not contain a statement of needed transition services.

CRITERION NUMBER	
	Legal Standard
102 CMR 3.00	c. 123 or Department of Mental Health Regulations complies with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
9.5 3-5 Day Suspensions 18.05(6)	<p>Upon admission of a student, the private special education program provides a written policy on suspensions to the parents, and the school district and human service agency that placed the student. Such policy shall also contain the following:</p> <ol style="list-style-type: none"> a. Whenever a student is suspended, the school shall immediately notify the parents 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. b. No student may be suspended and sent home unless a responsible adult is available to receive the student. 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. 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>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>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

According to staff interviews, the school’s suspension procedures are not consistently understood or implemented. Parent surveys indicate that parents are not always notified of a suspension.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 415 313 447">9.6</p> <p data-bbox="215 499 370 573">10+ Day Suspensions</p> <p data-bbox="207 625 378 951">Joint responsibilities of the private school and the responsible school district</p> <p data-bbox="215 1014 370 1077">34 CFR 300.519-529</p>	<p data-bbox="407 415 1373 510">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> <ol data-bbox="407 520 1390 1213" style="list-style-type: none"> 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; b. The private school participates in the Team meeting: <ol style="list-style-type: none"> (1) to develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan; (2) to identify appropriate alternative educational setting(s); and 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?]. 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 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.
	<p data-bbox="407 1276 792 1308">Rating: Partially Implemented</p> <p data-bbox="922 1276 1352 1308">RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of documentation shows that there are no written procedures for a manifestation determination. According to staff interviews, there is no clear understanding of the definition of “out of program” status, and a program log of suspensions is not maintained.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 1778 313 1810">9.7</p> <p data-bbox="207 1841 378 1873">Terminations</p> <p data-bbox="240 1904 345 1936">18.05(7)</p>	<p data-bbox="407 1778 1406 1873">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.</p> <p data-bbox="407 1904 1349 1936">The program has developed a written termination policy that includes, but is not</p>

CRITERION NUMBER	
	Legal Standard
28.09(12)(b)	<p>limited to, the following:</p> <ol style="list-style-type: none"> 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:

Review of documentation and staff interviews indicate that the Department of Education is not immediately notified of emergency terminations, even though there is a written policy that states this notification will occur. See Criterion 4.5 i.

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

CRITERION NUMBER	
	Legal Standard
10.1 Student:	<p>Unless otherwise approved by the Department of Education, the private special education program ensures that instructional groupings do not exceed:</p> <ol style="list-style-type: none"> a. 8 students to one certified teacher without an aide, or

CRITERION NUMBER	
	Legal Standard
Teacher Ratios 28.06(6)(d)&(g) 28.09(7)(e)	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: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Staff interviews and observation reveal that there are instructional groupings which exceed the forty-eight month age range.

CRITERION NUMBER	
	Legal Standard
10.3 Programs for Young Children 28.09(7)(e) 28.06(7)	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.
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:

Review of personnel records show that not all staff are appropriately certified or waived.

CRITERION NUMBER	
	Legal Standard
11.5 Related Services Staff 28.09(7)(d)	All staff providing or supervising the provision of related services are appropriately certified, licensed or registered by their respective state boards or professional associations.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of personnel records show that not all related services staff are appropriately certified, licensed, or registered by their respective state boards or professional associations, as required.

CRITERION NUMBER	
	Legal Standard
11.6 Master Staff Roster 28.09(7)	The private school maintains a master list of ALL staff for every position within the program. This list includes job titles together with corresponding UFR title numbers and full-time equivalents (FTE's).
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.9	The program demonstrates that its organizational structure provides for the effective and efficient operation of the school, supervision of school staff and supervision of

CRITERION NUMBER	
	Legal Standard
Organizational Structure 28.09(7) 28.07(c)	students.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.10 Supervision of Child Care Workers (Direct Care Staff) 18.03(4)	Each program provides for ongoing and regular supervision of all child care workers by a professional staff person who has supervisory and administrative responsibility within the school.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.11 Supervision of Students 28.09(7) 18.03(1)	The private school program develops and implements a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any school-related activity on and off school grounds. This plan includes arrangements for individual and group recreational programs appropriate to the age, interests, and needs of each student with assigned staff as appropriate.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.12 Plan for Staff Coverage 18.03(1)(b)4	Each private special education program provides a detailed description of how the school will provide childcare and/or overall staff coverage in the absence of workers due to illness, staff vacancies, emergencies, or other unexpected circumstances.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING

CRITERION NUMBER	
	Legal Standard
12.1 Staff Orientation Training 18.05(11)(g)	<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>
	Rating: Commendable RESPONSE REQUIRED: No

Department of Education Findings:

The staff orientation training offered by the school is comprehensive and exceed the requirements for time and areas covered.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="217 478 365 709">12.2 Annual In-Service Training Plan and Calendar</p> <p data-bbox="217 743 365 779">28.09(7)(f)</p> <p data-bbox="217 812 365 848">18.05(11)(h)</p>	<p data-bbox="407 478 1398 674">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 data-bbox="407 716 1390 779">The following topics are required in-service training topics and are offered annually to all staff providing direct care services to students:</p> <ol data-bbox="407 785 1406 1583" 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.) 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.
	<p data-bbox="407 1640 792 1671">Rating: Partially Implemented</p> <p data-bbox="922 1640 1349 1671">RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of personnel records and training schedules, and staff interviews indicate that not all required areas are addressed annually. The topics offered at orientation, but not annually, are reporting abuse and neglect to the Disabled Persons Protection Commission, medication administration and possible side effects, transportation safety, curriculum alignment, and MCAS inclusion procedures.

3.1 b). Although all staff are mandated reporters under the regulations, only the director is allowed, by the school's current policy, to call in a suspected issue of abuse or neglect to the Department of Social Services.

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)	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.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Staff interviews and review of personnel records indicate that annual mandated training is not offered on medication administration and possible side effects.

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: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Student record reviews indicate that complete files, including current IEPs, are not always maintained. See Criterion 18.1.

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 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: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Staff interviews indicate that training is not provided in the use of the alarm system and equipment such as fire extinguishers.

CRITERION NUMBER	
	Legal Standard
18.04(6)(b)	
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
There is currently no library or resource room.

CRITERION NUMBER	
	Legal Standard
13.7 Indoor Space	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.
18.04(7)(a)	<p>Additionally, the program:</p> <ul 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.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
Observation of the facilities show many safety hazards, such as exposed wires in a time-out area, exposed water pipes, broken stairs, low guard rails on stairways, some residences with no air conditioning, and the heating system was turned on in the main building in July. Many buildings are not well-maintained.

CRITERION NUMBER	
	Legal Standard
Parents' Advisory Group 18.05(4)(a)	
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
There is currently no Parents' Advisory Group.

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: Implemented RESPONSE REQUIRED: No

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.)
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
Review of the written procedure indicates the procedure is inaccurately written and implemented. The procedure states that the school will inform the parents of a change in legal status, rather than being

informed by the parent.

CRITERION NUMBER	
	Legal Standard
<p>15.4</p> <p>Parent Consent</p> <p>28.07(1)(b)</p>	<p>The private school program notifies the placing school district when multiple efforts have been made, yet have failed to involve the parent and obtain necessary parental consent. Matters requiring parental consent include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. IEP-related matters b. emergency medical care c. medications d. restraints e. publicity, research, evaluation and f. field trips.
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>15.5</p> <p>Student Involvement</p> <p>34 CFR 300.344</p>	<p>The private school program collaborates with the placing school district to ensure student participation in Team meetings where required by law and if appropriate. If the student does not attend the IEP meeting, steps are taken to ensure that the student’s preferences and interests are considered.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>15.6</p> <p>Consent at</p>	<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</p>

CRITERION NUMBER	
	Legal Standard
Age of Majority 28.07(5)	eighteen, or to ensure that another mechanism is in place to obtain consent, i.e.: 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. (See also Criterion 15.3.)
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.7 Registering Complaints 18.05(1)(b)16	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.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER	
	Legal Standard
16.1 Health Care Policy and	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.

CRITERION NUMBER	
	Legal Standard
Procedure Manual 18.05(9)(c) 18.05(9)(d)	
	Rating: Implemented RESPONSE REQUIRED: No

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: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
	<p>f. all medicine shall be kept in a locked, secure cabinet and labeled with the student's name, the name of the drug and the directions for its administration. The school shall dispose of or return to the parents any unused medication. Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist. Provisions must be made for refrigeration of medications, when necessary.</p> <p>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;</p> <p>h. a review of medications administered to a student shall be incorporated into all progress reviews conducted for the student.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Staff and parent interviews indicate that parents are not always informed prior to a change of medication. Not all staff who administer medication are appropriately trained or medication certified.

CRITERION NUMBER	
	Legal Standard
<p>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> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p>

CRITERION NUMBER	
	Legal Standard
	<p>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.</p> <p>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 and there is no less intrusive alternative to the medication. The treating physician must determine that medication is necessary to prevent the immediate substantial and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 18.05(9)(e).</p> <p>h. the school shall inform a student twelve years of age and older, consistent with the student's capacity to understand, about the treatment, risks and potential side effects of such medication. The school shall specify and follow procedures if the student refuses to consent to administration of the medication.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Staff interviews indicate that not all staff who administer medication are appropriately trained in the potential side effects (See Criterion 16.6 e)

CRITERION NUMBER	
	Legal Standard
<p>16.7</p> <p>Preventive Health Care</p> <p>18.05(9)(f)(9)(h)</p>	<p>The school has developed and implements a written plan for the preventive health care of students including, but not limited to:</p> <p>a. provision for each student to receive an annual comprehensive medical and dental examination;</p> <p>b. vision, hearing, postural and other required screening are conducted in accordance with M.G.L. c.71 s.57;</p> <p>c. ensuring that all students have necessary immunizations as required by the Department of Public Health;</p> <p>d. a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school; the school shall notify all parents and referring agencies of the reported communicable disease within the school;</p> <p>e. provision of a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students. Medications and medical supplies are not locked in the same cabinet as other toxic substances. Toxic substances are labeled with contents and antidote (The phone number for</p>

CRITERION NUMBER	
	Legal Standard
	<p>the nearest poison center is posted clearly.);</p> <p>f. provision of family planning information, subject to any applicable state or federal legislation; and</p> <p>g. protecting a student from exposure to foods, chemicals, or other materials to which they are allergic.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Student record reviews and staff interviews indicate that postural screening is not conducted, as required (Criterion 16.7 b).

CRITERION NUMBER	
	Legal Standard
<p>16.8</p> <p>Receipt of Medical Treatment-Religious Beliefs</p> <p>18.05(9)(k)</p>	<p>In the absence of an emergency or epidemic of disease declared by the Massachusetts Department of Public Health, the school does not require any student to receive medical treatment when the parents object thereto on the ground that such treatment conflicts with a religious belief.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

AREA 17: TRANSPORTATION SAFETY

CRITERION NUMBER	
	Legal Standard
<p>17.1</p>	<p>The program develops transportation procedures that ensure vehicles are safe, insured, and operated by qualified and trained individuals, and that students are</p>

CRITERION NUMBER	
	Legal Standard
Transportation Safety 28.09(11)(b)	<p>transported in a safe manner that is responsive to individual student’s needs and provisions of their IEPs.</p> <p>In the event of a motor vehicle accident, parents, school districts, human service agencies, and the Department of Education are notified immediately.</p> <p>The school ensures that <u>any</u> person who is responsible for operating a vehicle owned or contracted for by the school and carrying students, shall receive in-service training on overall transportation safety and the individual needs of the students they transport.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Staff interviews and review of the policies reveal that the Department of Education is not notified and the Form 2 is not sent, as required. Annual mandated training in transportation safety is not offered to staff.

AREA 18: STUDENT RECORDS

CRITERION NUMBER	
	Legal Standard
18.1 Student Records 28.09(10)	<p>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.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The student record review indicates that complete files, including current IEPs are not always in place. (See Criterion 12.2 e.)

CRITERION NUMBER	
	Legal Standard
<p data-bbox="266 415 318 443">18.2</p> <p data-bbox="240 495 344 558">Student Records</p> <p data-bbox="233 611 350 638">28.09(10)</p> <p data-bbox="224 695 360 758">MGL c.71, s. 34H</p> <p data-bbox="230 821 354 884">603 CMR 23.00</p> <p data-bbox="217 936 367 1094">Family Educational Rights and Privacy Act (FERPA)</p>	<p data-bbox="407 415 1382 478">Student records are legibly dated and signed by persons making entries. Individual access logs are maintained for each record. All records contain:</p> <p data-bbox="407 485 1398 548">a. log of access consistent with requirements of the Massachusetts Student Record Regulations. 18.05(11)(a)</p> <p data-bbox="407 554 959 581">b. face sheets with the following information:</p> <ul style="list-style-type: none"> <li data-bbox="505 588 618 615">• Name <li data-bbox="505 621 699 648">• Date of birth <li data-bbox="505 655 716 682">• Recent picture <li data-bbox="505 688 959 716">• Date of admission to private school <li data-bbox="505 722 959 749">• Name of educational case manager <li data-bbox="505 756 1382 819">• Location of residential service within facility (if applicable), and name of residential case manager or supervisor <li data-bbox="505 825 1170 852">• Date initially eligible for special education (if known) <li data-bbox="505 858 1138 886">• Date of most recent special education evaluation(s) <li data-bbox="505 892 1040 919">• Date of next expected 3-year reevaluation <li data-bbox="505 926 1252 953">• Starting and expiration dates of current (or most recent) IEP <li data-bbox="505 959 878 987">• Primary language of student <li data-bbox="505 993 813 1020">• Legal status of student <li data-bbox="505 1026 1317 1089">• If under 18: in custody of both parents, one parent [specify], legal guardian [specify], other [specify] <li data-bbox="505 1096 1398 1159">• If 18 or over: makes own decisions; under legal guardianship [specify]; has shared role with parent in education decisions [specify] <li data-bbox="505 1165 1073 1192">• Other state agency/ies involved with student: <li data-bbox="505 1199 1284 1262">• Parent/guardian contact information: names, addresses, H & W telephone numbers, e-mails <li data-bbox="505 1268 992 1295">• Primary language of parents/guardian <li data-bbox="505 1302 1382 1365">• Contact information of persons other than parents to be contacted in an emergency (names, addresses, telephone numbers) <li data-bbox="505 1371 1203 1398">• Educational surrogate contact information (if applicable) <li data-bbox="505 1404 1284 1432">• Date of last complete physical health examination by physician <li data-bbox="505 1438 1317 1501">• Notation of allergies and/or any other medical condition affecting student's well-being, e.g., seizures <li data-bbox="505 1507 699 1535">• Medications <li data-bbox="505 1541 1382 1568">• Information specific to this student re handling of medical emergencies <p data-bbox="407 1575 602 1602">c. copy of IEP;</p> <p data-bbox="407 1608 1252 1635">d. copies of quarterly progress reports and any modification of the IEP;</p> <p data-bbox="407 1642 1040 1669">e. copy of the student's termination or discharge plan;</p> <p data-bbox="407 1675 1317 1738">f. health records, including reports, documentation of physical examinations, allergies, screening tests, results of medical care;</p> <p data-bbox="407 1745 1105 1772">g. all evaluations or assessments conducted of the student;</p> <p data-bbox="407 1778 1024 1806">h. pertinent correspondence concerning the student;</p> <p data-bbox="407 1812 1382 1919">i. information regarding the use of behavior management interventions including, but not limited to, restraint (chemical, mechanical, physical) and time-out procedures; and</p>

CRITERION NUMBER	
	Legal Standard
	j. copies of all incident reports.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of student records indicate that there are no access logs maintained with individual files, but rather are kept in a separate log book, which is inconsistent with the requirements of CMR 23.07. There are many files on each student, kept in multiple locations. The face sheets have information (recent pictures, current residence, dates of physical exams, allergies, and medications) which are not annually updated. Not all required information is listed on the face sheet, such as the educational case manager, dates of three-year evaluations, and the primary language of the parents. The records do not always contain current, consented-to IEPs, relevant evaluations and assessments, and pertinent correspondence.

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