

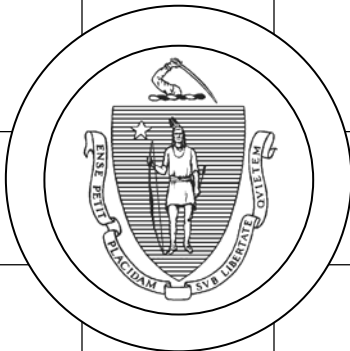


**Justice Resource Institute:
Walden Street School
Pelham Academy**

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

**Dates of Onsite Visit: July 12-16, 2004
Date of Draft Report: November 15, 2004
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**MASSACHUSETTS DEPARTMENT OF EDUCATION
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW**

**Walden Street School
Pelham Academy**

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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 2003-2004 review cycle were notified in September 2003 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: All approved private schools in the Commonwealth are monitored through the Department's Private School Program Review system on a six-year cycle with an additional mid-cycle follow-up visit. This six-year monitoring and follow-up 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 1997-2003 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 (3) member Massachusetts Department of Education team visited Walden Street School and Pelham Academy during the week of July 12, 2004 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 schools. The review team would like to commend the following features of the schools that was 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 Walden Street School and Pelham Academy. These features are as follows:

Walden Street School

- *Clinical treatment plans were thorough and comprehensive, including input from all disciplines.*
- *Walden Street School has developed, and offers its students, a variety of courses described in the course selection booklet. The course selection is quite extensive, particularly taking into account the school’s relatively small number of students.*
- *The school is student centered which allows for creativity and flexibility in student treatment and education.*
- *The school has a ceremony marking the end of each quarter, which recognizes the accomplishments made by each student during this time period. For example a clambake (all the students get lobster) occurs each year marking the end of the summer quarter.*
- *The school has developed a volunteer program for students that enable them to go into the community and volunteer at pre-schools, nursing homes, etc.*

Pelham Academy:

- *The school has a tradition of creating an extensive Halloween event attended by the outside community. The students and staff work for over a month to prepare for this “spooky house” which students write the scripts for and actively participate in building and coordinating. Last year the school had over 100 people from the community attend.*
- *The school has afternoon electives that are student driven allowing for active, full participation in the electives.*
- *Pelham Academy has a weekly International Day when classes, activities and cooking focus on some aspect of a given culture. This is a great way for students to learn about different cultures and often students who come from some of these cultures are then able to help prepare and eat food native to their culture.*

Walden Street School and Pelham Academy

- *Both schools have an excellent system to review individual student progress in the behavior management system. Weekly, each student is individually assessed by their teacher, counselor and clinician and given feedback from all three disciplines on progress toward goals, allowing for consistency across disciplines.*
- *Both schools consistently run both a morning and evening student meeting so that students have the ability to check in and express any concerns or important issues they may have. This allows staff and students to have a clearer understanding when, for example, a student may need some extra space or extra attention.*
- *Pelham Academy and Walden Street School are involved in the Doc Wayne Athletic League, a JRI sponsored foundation, which allows the students to participate on sports teams (softball, basketball and the student have requested to add a soccer team). The students are provided with state-of-the-art uniforms and play other schools. This has allowed them the opportunity to have more traditional school sports teams than is usually possible in small residential facilities. The program has been highly successful and most girls in the two programs participate.*

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 five (5) administrative staff.
- Interviews of four (4) clinical staff.
- Interviews of seven (7) teaching and educational support services staff.
- Interviews of three (3) child care staff.
- Student record review: A sample of fourteen (14) 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 (7) 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.

PRIVATE SCHOOL PROGRAM REVIEW REPORT

EXECUTIVE SUMMARY

Justice Resource Institute Walden Street School and Pelham Academy

The following summary synthesizes the findings for compliance standards included in this Private School Program Review Report. Note that a more detailed discussion of the onsite team's findings, together with the specific legal standards for each program area included in this review, follows this summary.

Component I: Program Description

Both Walden Street School and Pelham Academy have developed clear descriptions of their programs and student populations that include philosophy, goals and objectives and mechanisms for delivery of services. Each school is able to articulate the type of student it serves.

Component II: Approvals, Licenses and Inspections

The Walden Street School and Pelham Academy maintain current approvals, licenses, and certificates of inspection by state and local agencies that are located in a conspicuous place available for public and employee review.

Component III: Program Policies and Procedures

Both schools have developed comprehensive policies and procedures that meet all criteria specified in the regulations. Additionally, the schools have developed a Policy and Procedures Manual, a Personnel Manual and a Health Care Manual that also meet all regulatory requirements.

Component IV: Required Notifications

Both schools are providing the required notification of building and program changes. Pelham Academy needs to ensure that this notification is in writing. Both schools are also providing notification to the Department of serious incidents (Form 2) and restraints that result in an injury to student or staff although records review indicated that notification to the parent, the public school district special education administrator, and any State Agency involved in the student care or placement is often not included on the forms submitted.

Component V: Student Learning Time

Both schools' instructional hours meet the legal requirement and reflect the 5½ hours average per day that is required for secondary students. Both schools meet requirements for the 216 school days required for their 12-month programs.

Component VI: Curriculum and Instruction

Walden Street School staff have an understanding of the Massachusetts Curriculum Frameworks and they incorporate the curriculum frameworks into the school curriculum. Walden Street School's curriculum is a work in progress and the teaching staff are updating and improving it to provide the enrolled students with the essential learning opportunities that prepare the student to reach the state graduation standards. Walden Street School does need to develop a school-wide curriculum across subject matters that can be accessed by all teaching staff rather than having each teacher, with input from their supervisor, create curriculum for their specific classroom.

Staff at Pelham Academy require additional training on the Massachusetts Curriculum Frameworks and the expectations of the state for student performance, as well as the rights of students to be full participants in the general curriculum. At Pelham Academy, curriculum development responsibility is placed completely with individual teachers and is not reviewed by any supervisor for content.

Both schools ensure that students participate in state and local district assessments.

Component VII: Individualized Education Programs

The majority of the students enrolled in the Walden Street School have current and signed IEPs. IEP goals are incorporated into the school day and all teachers are aware of the IEP goals and actively work with them. Walden School works well with responsible school districts and other involved agencies to ensure that the necessary transition planning is in place, although a more thorough description of the transition needs of students 14 years and older needs to be incorporated into student IEPs. Quarterly progress reports are sent to the appropriate parties, but do not consistently contain information on students' progress toward annual goals.

Pelham Academy has several outdated and unsigned IEPs. The on-site team found that IEP goals are not incorporated into the school day and teachers, for the most part, are not involved in the IEP process. A review of student IEPs indicated that transition planning is not included in the IEPs. Quarterly progress reports do not include progress towards annual goals.

Component VIII: Student Discipline and Behavior Management

Pelham Academy and Walden Street School have developed a comprehensive set of policies and procedures dealing with discipline, behavior management and student terminations and consistently implement these policies.

Component IX: Educational Staffing Requirements

Both schools maintain appropriate ratios during the school day, however both schools are approved by the Department for a 3:1 student to staff ratio during non-school hours. Documentation and staff supervising the shifts are scheduling coverage based on a 4:1 ratio. A random sampling of various schedules indicated that there are actually enough staff on all shifts to ensure the 3:1 ratios are consistently implemented. This area requires additional staff training to ensure that appropriate ratios continue to be maintained in both the school and residential settings.

Both schools maintain the appropriate age range requirements and all teachers are licensed or are on an approved waiver. Individually, both schools have organizational structures that provide for the effective and efficient operation of each school. A review of the master staff roster at Pelham Academy however, indicated that there are currently three key administrative positions vacant. Walden Street and Pelham Academy are approved as one program by the Department of Education. The on-site team found that there are differences between the Pelham Academy and Walden Street School programs; as a result Justice Resource Institute needs to determine whether the schools should be separate entities or whether they should continue to be one program. The documentation revealed that the behavior management system is different at both schools and the students served at each school are different; yet the policies and procedures are often the same.

Component X: Staff Training

Both schools have developed and implemented a written plan for staff orientation to ensure that all new staff have an understanding of the school's philosophy, organization, program, practices and goals. Both schools have also developed a written plan for overall staff training consistent with the needs of its student population. A review of personnel records revealed however, that the schools do not consistently maintain documentation of staff attendance at training sessions. At Pelham, training records also indicated that many staff do not receive the required medication training and Massachusetts Curriculum Frameworks training.

Component XI: Physical Facility and Equipment Requirements

Walden Street School has been approved for a major renovation that will make the school and residence a state-of-the-art facility. Presently, classroom space is insufficient with two classrooms located in the basement of the residence. New school desks have been ordered for classrooms that require them and are expected shortly. The addition of new desks will help alleviate the tight space and provide students with their own workspace in classrooms.

Major construction has already begun at Pelham Academy, which will also result in a state-of-the-art facility. Pelham has minimized the effect of the construction on the everyday life of the students.

Students with limited mobility cannot access all areas of either school, however, temporary accommodations can be made at both schools to ensure that they can participate fully in the programs. Both schools renovation plans include access for students with limited physical mobility.

Component XII: Nutritional Requirements

The Walden Street School and Pelham Academy staff have an understanding of the nutritional requirements of students enrolled in the program.

Component XIII: Parent and Student Involvement

Both schools have developed a written plan for involving parents in the overall program. However, the schools need to continue to encourage parents and other similarly invested resources to participate in the Parent Advisory Group.

The schools obtain all necessary parental consents and have developed and made available to parents and students written procedures for complaints regarding students' education and care.

Component XIV: Student Records

Walden Street School's student records are maintained in accordance with the Massachusetts Student Record Regulations. However, the face sheets do not have all of the required elements. In addition, the on-site team found that not all student records contained current, consented to IEPs.

Student records at Pelham Academy are missing many required student documents. The IEPs need to be used as "active" documents by the teaching and residential staff. In addition, Pelham Academy student records need to be maintained in accordance with Massachusetts Student Record Regulations. The on-site team found it difficult to locate the required information because the records were not organized. In addition, the on-site team found that often records from previous placements were mixed in with current records making the student records confusing to read.

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: Partially Implemented RESPONSE REQUIRED: Yes</p>

Pelham Academy has not provided a description of the program's curriculum that meets all of the special education and related service needs in the students' Individualized Education Programs.

CRITERION NUMBER	
	Legal Standard
	<p>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;</p> <ul style="list-style-type: none"> 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. <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. The current 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>

A review of the Health Care Manual revealed that both schools are missing a written policy for protecting students from exposure to foods, chemicals and other material, which they may be allergic.

AREA 4: DISCLOSURE OF INFORMATION
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CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">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 style="text-align: center;">4.2</p> <p>Public Information and Postings</p> <p>28.09(6)(a,b,c,d,e) 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: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p>4.4 Advanced Notice of Program/Facility Change 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. any ongoing difficulty in recruitment or maintenance of mandated staff that affect the care of and/or delivery of IEP services to students;</p> <p>c. building changes that affect the care of the students;</p> <p>d. major changes in the population to be served;</p> <p>e. any alteration of the service configuration of the program as last approved by the Department; and</p> <p>f. significant changes in policies or procedures.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Pelham Academy needs to ensure that notification of program and/or facility changes is not only verbal but also provided to the Department in writing.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 380 310 407">4.5</p> <p data-bbox="217 447 365 506">Immediate Notification</p> <p data-bbox="233 548 349 575">18.03(10)</p> <p data-bbox="233 579 349 606">18.05(7)</p> <p data-bbox="233 611 349 638">28.09(12)</p>	<p data-bbox="407 380 1411 506">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="407 510 716 537">a. the death of a student <li data-bbox="407 541 1378 642">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="407 646 1045 674">c. any motor vehicle accident causing student injury <li data-bbox="407 678 1330 737">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="407 741 1362 768">e. <u>any</u> student injury resulting from a restraint which requires medical attention <li data-bbox="407 772 1352 800">f. whenever any student is administered medication in an emergency situation <li data-bbox="407 804 846 831">g. whenever any student runs away <li data-bbox="407 835 1321 936">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="407 940 1403 1073">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 1077 1378 1209">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 1213 1354 1272">h. any action taken by a federal, state or local agency that might jeopardize the school's approval with DOE <li data-bbox="407 1276 1338 1377">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 1423 792 1451">Rating: Partially Implemented</p> <p data-bbox="922 1423 1352 1451">RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Although both programs provide immediate notification to the Department on required incidents, documentation of notification to the parent, the public school district special education administrator, and any State Agency involved in the student care or placement is often not included on the forms submitted. In addition, appropriate follow-up with the Department is required on incidents requiring immediate notification.

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

CRITERION NUMBER	
	Legal Standard
5.1 Student Admissions 28.09(11)	<p>The private school develops and implements written admissions criteria, policies and procedures that include the following:</p> <ol 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: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Walden Street and Pelham Academy are approved as one school by the Department, as a result their admissions policy is the same, however, staff interviews and website material indicate that the student population is different at the individual sites of the school.

CRITERION NUMBER	
	Legal Standard
5.2 Policies and Procedures for Coordination and Collaboration with Public School Districts 28.06 (2-3) 28.09(9)(c)&	<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
	Rating: Implemented RESPONSE REQUIRED: No

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: Yes

Department of Education Comment:

A review of documentation and staff interviews revealed that Walden Street School’s calendar does not reflect the requirements of a 12-month program. The current calendar has been developed for 180-day program with the addition of a “summer session.”

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

Staff Interviews and review of documentation revealed that Pelham Academy has not developed a curriculum that is either aligned with the Frameworks or that has taken steps to provide students with essential learning opportunities that prepare the students to reach the state graduation standards. Currently, individual teachers develop the lessons for students without the guidance of a supervisor. It should be noted that Pelham Academy recently hired two new teachers that do incorporate the Frameworks in their classrooms.

A review of documentation and staff interviews at Walden Street School indicated that the majority of the enrolled students have current, signed IEP's. IEP goals are incorporated into the school day and all teachers are aware of the IEP goals and actively work to ensure that students are working towards meeting these goals.

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

Department of Education Findings:

Interviews with staff at Pelham Academy revealed that most staff responsible for implementing services as specified on students' Individualized Education Programs do not have an understanding and knowledge of the learning standards of the Massachusetts Curriculum Frameworks.

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">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: Implemented RESPONSE REQUIRED: No</p>

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION PROGRAMS

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">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. The content requirement of the 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: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 520 310 548">8.2</p> <p data-bbox="207 585 375 716">Implementa- tion – Related Services</p> <p data-bbox="232 753 350 821">28.04 and 28.09(8)</p> <p data-bbox="240 858 342 926">34 CFR 300.24</p>	<p data-bbox="407 520 1263 585">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"> <li data-bbox="407 623 630 651">a. Transportation <li data-bbox="407 657 914 684">b. Braille Needs (blind/visually impaired) <li data-bbox="407 690 919 718">c. Assistive Technology Devices/Services <li data-bbox="407 724 883 751">d. Communication Needs (all students) <li data-bbox="407 758 1089 785">e. Communication Needs (deaf/hard of hearing students) <li data-bbox="407 791 1089 819">f. Language Needs (Limited English Proficient students) <li data-bbox="407 825 659 852">g. Physical Therapy <li data-bbox="407 858 716 886">h. Occupational Therapy <li data-bbox="407 892 688 919">i. Recreation Services <li data-bbox="407 926 808 953">j. Mobility/Orientation Training <li data-bbox="407 959 1300 1024">k. Psychological Services, Counseling Services, Rehabilitation Counseling Services, Social Work Services <li data-bbox="407 1031 829 1058">l. Parent Counseling and Training <li data-bbox="407 1064 943 1092">m. School Health Services, Medical Services <li data-bbox="407 1098 708 1125">n. Social Work Services <li data-bbox="407 1131 1045 1159">o. Other (music therapy, sensory integration therapy) <p data-bbox="407 1194 1365 1287">(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 data-bbox="407 1331 675 1358">Rating: Implemented</p> <p data-bbox="919 1331 1341 1358">RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 1728 310 1755">8.3</p> <p data-bbox="207 1772 375 1923">Implementati on – Supplemen- tary Aids/Services</p>	<p data-bbox="407 1728 1349 1793">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
34 CFR 300.28	
	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:

A review of student records revealed that Pelham Academy and Walden Street School do not have on file a current and consented to IEP for all enrolled Massachusetts student.

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 Implementa- tion 28.09	The private school program implements all services on the students' IEP.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Through staff interviews, the on-site team found that the teachers and residential counselors at Pelham Academy are not involved in the development of IEPs and as a result, are not able to fully implement the goals and objectives of student IEPs. A more comprehensive description of the transition needs of students 14 years and older needs to be incorporated into the IEP's.

CRITERION NUMBER	
	Legal Standard
8.7 IEP- Progress Reports 28.07(3) 20 U.S.C. Chapter 33, Section 1414(d)(1)(A) (viii) 34 CFR 300.347	<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>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

A review of student records revealed that Pelham Academy and Walden Street School do not issue written progress reports that reflect the extent to which the student's progress is sufficient to meet the annual goals. In addition, Pelham Academy is unable to issue progress reports that accurately reflect student progress since teachers are not aware of student's IEP goals.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="261 380 318 407">8.10</p> <p data-bbox="261 449 358 541">IEP- Transition Planning</p> <p data-bbox="207 583 375 711">34 CFR 300.347(b)(1) 34 CFR 300.347(b)(2)</p>	<p data-bbox="407 380 1360 472">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 data-bbox="407 514 1406 642">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>
	<p data-bbox="407 722 792 749">Rating: Partially Implemented</p> <p data-bbox="922 722 1349 749">RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

A review of student records revealed that Pelham Academy is not working with the responsible school district to ensure that vision statements and transition needs of students are adequate to service the needs of its students. There was no evidence of individual transition plans in student records and some of the transition sections in the IEPs were blank.

CRITERION NUMBER	
	Legal Standard
<p data-bbox="261 1239 318 1266">8.11</p> <p data-bbox="224 1308 358 1400">IEP- Transition Services</p> <p data-bbox="224 1442 358 1470">28.05(4)(c)</p>	<p data-bbox="407 1239 1370 1367">For students approaching graduation or the age of twenty-two, the private school's participant on the IEP Team provides sufficient information to the Team to enable the Team to determine whether the student is likely to require continuing services from adult human service agencies.</p> <p data-bbox="407 1409 1398 1570">The private school works with the responsible school district to make any necessary referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services (at least two years prior to the student's 22nd birthday) in accordance with the requirements of MGL c.71, §12A-§12C (known as Chapter 688).</p>
	<p data-bbox="407 1581 675 1608">Rating: Implemented</p> <p data-bbox="922 1581 1336 1608">RESPONSE REQUIRED: No</p>

**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
9.3 Runaway Students 18.03(10)	The private special education program has developed a written policy, including a definition of runaways, appropriate for the school population and location, as well as procedures for handling students who runaway. This policy is approved by the Department of Education. The school notifies the Department and parents immediately whenever any student

CRITERION NUMBER	
	Legal Standard
	runs away.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
9.4 Restraints	A private day educational program approved has developed a policy on the use of physical restraint and administers physical restraint in accordance with the requirements of 603 CMR 46.00.
18.05 (5)(h)	A residential educational program complies with the OCCS restraint requirements contained in 102 CMR 3.00 for all students enrolled in such program.
603 CMR 46.00	A private school educational program within a program or facility subject to M.G.L. 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.
102 CMR 3.00	
	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> <ul 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.

CRITERION NUMBER	
	Legal Standard
	<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 300.519-529</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 with disabilities that may be in some other setting.</p> <p>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>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p data-bbox="272 443 310 470">9.7</p> <p data-bbox="207 512 375 539">Terminations</p> <p data-bbox="240 579 342 606">18.05(7)</p> <p data-bbox="215 646 367 674">28.09(12)(b)</p>	<p data-bbox="407 443 1401 539">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="407 579 1349 642">The program has developed a written termination policy that includes, but is not limited to, the following:</p> <ol data-bbox="407 682 1401 1245" style="list-style-type: none"> <li data-bbox="407 682 1401 810">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. <li data-bbox="407 814 1401 911">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. <li data-bbox="407 915 1401 1108">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. <li data-bbox="407 1113 1401 1245">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.
	<p data-bbox="407 1293 675 1320">Rating: Implemented</p> <p data-bbox="919 1293 1341 1320">RESPONSE REQUIRED: No</p>

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

CRITERION NUMBER	
	Legal Standard
<p data-bbox="264 1881 318 1908">10.1</p>	<p data-bbox="407 1881 1333 1944">Unless otherwise approved by the Department of Education, the private special education program ensures that instructional groupings do not exceed:</p>

CRITERION NUMBER	
	Legal Standard
Student: Teacher Ratios 28.06(6)(d)& (g) 28.09(7)(e)	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 No

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

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 accessing, considering and acting upon Criminal Offender Record Information (CORI) for any prospective staff member whose responsibilities would bring them into direct contact with students in the program. <u>[NOTE: Massachusetts law also allows approved public and private special education school programs to obtain and review the CORI of <u>current employees</u>. Approved special education school programs should obtain CORI in regard to a current employee when, in the judgment of the program director, there is a reasonable basis for review of the employee’s CORI and the purpose of such a review is to ensure the health and safety of the students enrolled in the program. <u>For applicants or employees who reside outside of Massachusetts</u>, approved special education schools should obtain and review criminal record information from the state of residence of the applicant or employee on the same basis as it does for applicants and employees who reside in Massachusetts.]</u>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">11.2</p> <p>Administrative Responsibility</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>

CRITERION NUMBER	
	Legal Standard
18.05(11)(a)	
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.3 Educational Administrator Qualifications	The private school designates an educational administrator to supervise the provision of special education in the school and to ensure that the services specified in each student’s IEP are delivered. The educational administrator either has certification as a special education administrator or all of the following: a. certification as a special educator; b. a minimum of a master's degree in special education or a related field; and c. a minimum of one year of administrative experience.
28.09(7)(a) 603 CMR 44.00 and 44.04	The educational administrator has been re-certified pursuant to the requirements of 603 CMR 44.00. The educational administrator has obtained supervisor approval of his/her Professional Development Plan per 603 CMR 44.04. .
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The qualifications of the educational administrator at Pelham Academy were not made available to the on-site team during the program review.

CRITERION NUMBER	
	Legal Standard
11.4 Special Education Teachers and Regular Education Teachers	The private special education program ensures that all teaching staff have teaching certification appropriate to meet the needs of the population being served pursuant to the requirements of 603 CMR 7.00 and, additionally, adhere to the following requirements: a. All teaching staff are re-certified pursuant to the requirements of Massachusetts Board of Education regulations and are subject to the same requirements as teachers in Massachusetts public schools and obtain supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04. b. At least half of the teaching staff is certified in special education areas appropriate to the population served at the school; other teaching staff are
28.09(7)(b)(c) 18.05(11)(f)	

CRITERION NUMBER	
	Legal Standard
11.9 Organizational Structure 28.09(7) 28.07(c)	The program demonstrates that its organizational structure provides for the effective and efficient operation of the school, supervision of school staff and supervision of students.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The on-site team found that there are differences between the Pelham Academy and Walden Street School programs; as a result Justice Resource Institute needs to determine whether the schools should be separate entities or whether they should continue to be one program. The documentation revealed that the behavior management system is different at both schools and the students served at each school are different; yet the policies and procedures are the same.

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	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.

CRITERION NUMBER	
	Legal Standard
	New staff are not be assigned direct care duties with students until they have participated in all mandated training through their orientation program.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 Annual In-Service Training Plan and Calendar	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.
28.09(7)(f)	The following topics are required in-service training topics and are offered annually to all staff providing direct care services to students:
18.05(11)(h)	<ul 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, j. Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and

CRITERION NUMBER	
	Legal Standard
	k. Civil rights responsibilities
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Both schools have developed and implemented a written plan for staff orientation to ensure that all new staff have an understanding of each school’s philosophy, organization, program, practices and goals. Both schools have also developed a written plan for overall staff training consistent with the needs of their student population. A review of personnel records revealed however, that the schools do not consistently maintain documentation of staff attendance at training sessions. Training records also indicated that many Pelham Academy staff do not receive the required medication and Massachusetts Curriculum Frameworks trainings.

CRITERION NUMBER	
	Legal Standard
12.2 (a) Behavior Management and Restraint Training 28.09(11) 18.05(5)	Training of Behavior Management and Suspension and Termination procedures includes: 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 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
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

A review of staff training records revealed that not all staff are receiving training on medication administration.

CRITERION NUMBER	
	Legal Standard
12.2 (e) Student Record Training	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.
	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 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: Implemented RESPONSE REQUIRED: No

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: Implemented 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: Implemented RESPONSE REQUIRED: No

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: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
13.3 Physical Facility/ Architectural Barriers 18.04(8)	<p>The private special education program assures that students with limited mobility have access, free from barriers to their mobility, to those areas of the school buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All schools receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>If any part of the program is not accessible to students with limited physical mobility, a plan and timetable is provided that describes how the school will make all programs and appropriate buildings accessible.</p>
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Comment:

Currently, parts of both programs are not fully accessible to students with limited mobility; however, each school has submitted a plan with a timetable that that will make each school program fully accessible to students with limited mobility.

CRITERION NUMBER	
	Legal Standard
13.4	The private special education program ensures that all kitchen, dining, bathing/toilet and living areas are of an adequate type, size and design appropriate to the ages and

CRITERION NUMBER	
	Legal Standard
18.04(7)(b)	outdoor play areas are fenced with a non-climbable barrier at least five feet high.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 14: REQUIREMENTS FOR DAILY CARE

CRITERION NUMBER	
	Legal Standard
14.1 Clothing, Grooming and Hygiene 18.03(5)	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.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
14.2 Food and Nutrition 18.03(7)	The school's staff understands the nutritional requirements of the students enrolled and provides an appropriate number of meals daily (three meals daily for residential programs), at reasonably appropriate times, which constitute a nutritionally adequate diet.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
	involves human sexual education or human sexuality issues
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.5 Student Involvement 34 CFR 300.344	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.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.6 Consent at Age of Majority 28.07(5)	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.: 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
	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
16.4 Emergency First Aid 18.05(9)(e)	The school has developed written policies and procedures for emergency first aid and care including: <ul style="list-style-type: none"> a. training of all direct service staff in 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. the posting of 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; e. the procedures to be followed in the case of illness or emergency (such as a motor vehicle accident), 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 medical care administered to their child or of any injury or illness that required care other than first aid; and h. the procedures to be followed in the case of illness or emergency if the parents cannot be reached.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">16.5</p> <p>Administra- tion of Medication</p> <p>18.05(9)(f)</p>	<p>The school has developed and implements written policies and procedures regarding the administration of medication including, but not limited to, the following:</p> <ol style="list-style-type: none"> a. no medication is administered to a student without written authorization from a parent. Such authorization shall be renewed annually; b. no prescription medication shall be administered to a student without the written order of the physician prescribing the medication to that student; c. the school maintains written policies and procedures regarding prescriptions and administrations of medication including authorization, prepackaging and staff training; d. any change of medication or dosage must be authorized by a new order from a physician; e. a written record of the administration of prescribed medication to students shall be maintained. Such a record documents the side effects of medication and includes notification to attending physicians of changes in the student's behavior or health that may result from medication; 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. 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.
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

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> <ol 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

	Legal Standard
	<p>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 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>

A review of the Health Care manual revealed that both schools are missing a written policy for protecting students from exposure to foods, chemicals and other material, which they may be allergic.

CRITERION NUMBER	
	Legal Standard
<p>16.8 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>Transportation Safety</p> <p>28.09(11)(b)</p>	<p>The program develops transportation procedures that ensure vehicles are safe, insured, and operated by qualified and trained individuals, and that students are 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>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

AREA 18: STUDENT RECORDS

CRITERION NUMBER	
	Legal Standard
<p>18.1</p> <p>Student Records</p> <p>28.09(10)</p>	<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>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

Department of Education Comment:

A review of student records revealed that the program has made available student records for each publicly funded enrolled Massachusetts student. For specific findings refer to criterion 18.2.

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">18.2</p> <p>Student Records</p> <p>28.09(10)</p> <p>MGL c.71, s. 34H</p> <p>603 CMR 23.00</p> <p>Family Educational Rights and Privacy Act (FERPA)</p>	<p>Student records are legibly dated and signed by persons making entries. Individual access logs are maintained for each record. All records contain:</p> <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] • 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 c. copy of IEP; d. copies of quarterly progress reports and any modification of the IEP; e. copy of the student's termination or discharge plan; f. health records, including reports, documentation of physical examinations, allergies, screening tests, results of medical care; g. all evaluations or assessments conducted of the student; h. pertinent correspondence concerning the student; i. information regarding the use of behavior management interventions including, but not limited to, restraint (chemical, mechanical, physical) and time-out procedures; and j. copies of all incident reports.

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

Department of Education Findings:

A review of student records indicated that Walden Street School and Pelham Academy have developed face sheets that include all required elements although some of the face sheets were missing information on the handling of emergencies, dates of the most recent educational evaluations and current IEP dates. In addition, both schools have files with outdated IEP's.

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