



**The Protestant Guild for Human Services, Inc.
The Learning Center**

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

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**Department of Education Onsite Team Members:
Nina M. Marchese, M.Ed.
Kerrin E. Morrin
Amber A. Zdunich**

David P. Driscoll, Commissioner of Education

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

**The Protestant Guild for Human Services, Inc.
The Learning Center**

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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 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 three-member Massachusetts Department of Education team visited The Learning Center during the week of August 2, 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 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 The Learning Center. These features are as follows:

- *The Learning Center has a truly dedicated and committed staff whose care and concern of the students enrolled comes first in all that they do. This was evident to the on-site team throughout the entire week at The Learning Center. The Learning Center is able to recruit and retain highly qualified staff as evidenced by the average length of stay for education staff of 2.6 years, residential staff of 4.1 years and specialists of 4 years.*
- *The interdisciplinary approach is followed throughout all departments of The Learning Center. Students are provided with opportunities to work on IEP goals throughout the entire day and are able to learn skills in multiple setting. Speech and Language, Expressive Therapy, Nursing, Behavior, Employment Services, Student Services and Leisure and Recreation are among these interdisciplinary services that promotes and enhances communication among all departments in the school and residential settings.*
- *The Learning Center comprehensively aligned its curriculum with the Massachusetts Curriculum Frameworks utilizing The Learning Center’s own Functional Assessment and Curriculum Tool (FACT). The FACT provides an informal evaluation of individual students’ functional skills that are linked with specific standards from the Massachusetts Curriculum Frameworks. Utilizing lesson plans focused on skill development in specific content areas enables students at The Learning Center to access the general curriculum despite obvious learning challenges. The use of portfolio assessment allows students to showcase their achievements in accordance with the Massachusetts Curriculum Assessment System (MCAS) requirements.*
- *The Individualized Education Program’s (IEP’s) for students include the present level of functioning for each skill in each environment. The Learning Center staff spend a lot of time and effort providing this detailed information that is typically included in the IEP for each student. When reading student IEP’s, this information is critical in understanding the growth and challenges of each student.*
- *In both the school and residential settings, the staff develop and follow program books for each student. Included in each program book is the current IEP for each student, data sheets for behavioral data collection and skill acquisition programs for each IEP goal. The goals are separated with tabs and also include any materials that may be needed to run a program with a student. The program books are vital in ensuring consistency of implementation for programs*

across all settings and are an effective way to monitor student progress and challenges relative to individual goals.

- *The Learning Center has a comprehensive pre-vocational, vocational and career education curriculum. Depending on the age and needs of each student, a range of activities is offered at each stage (awareness, orientation, exploration, preparation) of career development. These activities may include community volunteer opportunities, work samples, job seeking skills training, on the job training and work experiences.*
- *Students were consistently engaged in educational, recreational or social activities during all observations in the classrooms and residences. Staff take their responsibilities a step further by encouraging and promoting appropriate manners and acting as positive role models for the students. Students benefit greatly from this approach that includes innumerable learning opportunities for students in all aspects of their life.*
- *The medical oversight available to students is comprehensive through five on-site clinics of psychiatry, vision, dental, neurology and weekly medical rounds. The nursing staff are committed to the ongoing care of the students by taking them on all out-patient medical appointments and providing appropriate follow-up with parents or guardians and staff. The nurse also offers cooking classes to all students in the program, which, in addition to making an edible product, highlights nutrition and hygiene.*

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 six (6) administrative staff.
- Interviews of two (2) clinical staff.
- Interviews of ten (10) teaching and educational support services staff.
- Interviews of eight (8) child care staff.
- Interviews of one (1) Parent Group representative and of one (1) other parent of Massachusetts students enrolled in the school.
- Interviews of zero (0) representatives of state and local agencies responsible for placement of students in the school.
- Student record review: A sample of fifteen (15) 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 fourteen (14) 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

The Protestant Guild for Human Services, Inc. The Learning Center

The following summary synthesizes the findings for criteria included in the Program Review as they respond to essential questions that the Department has formulated for each of the components of the report. Note that a more detailed discussion of the onsite team's findings, together with the specific legal standards used in this review, follows this summary.

Component I: Program Description

The Learning Center has developed a clear description of its program and students that includes the philosophy, goals and objectives, mechanisms for delivery of services and an identified population of students to be served. In addition, The Learning Center has several committees that evaluate the current needs of all students and evaluate the day-to-day needs as well as the future of the program.

Component II: Approvals, Licenses and Inspections

The Learning Center maintains current approvals, licenses and certificates of inspection by state and local agencies for the school building and seven residences. This information is maintained in a place available for public and employee view.

Component III: Program Policies and Procedures

The Learning Center has developed comprehensive policies and procedures that meet all criteria specified in the regulations. In addition, the program has developed a Policy and Procedures Manual, a Personnel Policies Manual and a Health Care Manual that meet all regulatory requirements.

Component IV: Required Notifications

Although The Learning Center has notified the Department on some required notifications of serious incidents involving students, all required serious incidents, specifically, the hospitalization of a student, (including out-patient emergency room visits) requiring notification to the Department of Education have not been consistently followed.

Component V: Student Learning Time

The Learning Center currently provides in excess of the 5 or 5 ½ hours per school day required average annual minimum instructional hours and although required to provide 216 days of school, provides a total of 234 days.

Component VI: Curriculum and Instruction

The Learning Center has done a commendable job in aligning its curriculum with the Massachusetts Curriculum Frameworks. The program has taken the initiative to design and implement the Functional Assessment and Curriculum Tool (FACT), which is also aligned with the Frameworks. The FACT is an informal measure of an individual student's functional skills and includes lesson plans that are adapted to meet the diverse needs of the students. In addition, the staff at The Learning Center collaborate and are informed of all lessons students are participating in other classrooms.

The Learning Center staff, both in the school and residences, have a full understanding of the connection between the 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. The program ensures that all enrolled students participate in state and/or local district assessments as appropriate. The on-site team found The Learning Center staff to conduct a thorough job in helping students develop and showcase their work through the use of portfolio assessment, in accordance with the Massachusetts Comprehensive Assessment System (MCAS) alternate assessment.

Component VII: Individualized Education Programs

The Learning Center maintains current, signed IEP's for all students enrolled in the program and ensures that students are receiving educational, related and supplementary services as specified on their IEP's. In addition, The Learning Center staff provides a comprehensive summary for each student that describes their current performance level in each skill area in each environment to be included as specific information in the IEP.

Although The Learning Center staff provide a written narrative quarterly report detailing student progress on each goal as well as whether or not the student is expected to achieve the goal by the end of the IEP term, evidence that such progress reports are being sent to parents, guardians, sending school districts and other involved state agencies is not maintained in the students' files.

For students who are 14 years of age or older, The Learning Center works with the responsible school district to ensure that the IEP includes both a vision statement and a description of transition needs. For students approaching graduation or age 22, The Learning Center works with the responsible school district to make any necessary referral to the Bureau of Transitional Planning. The Learning Center staff have two students who play water polo at the local high school with students without disabilities as well as two students who participate in swim lessons in an integrated swim program. Many students have participated on volleyball, basketball, softball, golf and soccer teams with people without disabilities.

Component VIII: Student Discipline and Behavior Management

The Learning Center has developed a comprehensive set of policies and procedures dealing with discipline and behavior management and consistently implements these policies and procedures including, but not limited to, policies dealing with runaway students, restraints, suspensions and terminations. The Individual Behavior Treatment Plans are comprehensive and are consistently implemented in all program environments. All Learning Center staff are trained in all behavior programs for all students to ensure consistency in implementation of

these plans for both positive and problematic behaviors. A history of the previous behavior management plan is maintained for reference as needed. Parents and school system representatives are invited to be included in the behavior management process that is thorough and frequent.

Component IX: Educational Staffing

The Learning Center maintains appropriate staff-to-student ratios and student age ranges throughout the day, evening and overnight hours. The school has staff who are appropriately licensed or who hold current, valid waivers from the Department of Education for the positions that they hold. Staff at The Learning Center have presented at The Massachusetts Association for Approved Private School (MAAPS) conference for the past fifteen years as well as at the Association for Behavior Analysis (ABA) conferences. The Learning Center supports the professional development of staff. The school has an organizational structure that provides for effective and efficient operation of the school and supervision of staff and students. The Learning Center has developed and implemented written personnel policies and procedures.

Component X: Staff Training

The Learning Center has developed and implemented a commendable practice for orientation of all new staff to ensure understanding of the school's philosophy, organization, program, practices and goals. There are three stages of staff orientation, general orientation, specific orientation and formal orientation. In addition, The Learning Center provides all new staff with six 3-hour sessions of pre-services that offers participants an opportunity to learn common working "language" and standardized procedures. In addition, the school has developed a written plan for staff training that is consistent with the needs of the student population, includes all mandated training topics and is on average, at least two hours per month of relevant training for all staff including non-professional staff. The program seeks the input of staff members on training topics and staff are encouraged to attend outside trainings that are of interest to them. All residential staff are provided individual supervision or group trainings on a weekly basis.

Component XI: Facility and Equipment

Although The Learning Center provides the facilities, textbooks, equipment, materials and supplies needed to provide the special education and related services specified on students' IEP's, the computers that are available for students and staff use need to be updated and more readily available. The program has ensured that both the school building and at least one residence is fully accessible to individuals with limited physical mobility.

Component XII: Nutritional Requirements

The Learning Center staff have an understanding of the nutritional requirements of students enrolled in the program. The school nurse provides training to staff on special dietary needs of students when appropriate and student allergies are noted in posted in conspicuous locations in both the school and residences.

Component XIII: Parent and Student Involvement

The Learning Center has a Parent's Advisory Group that is offered on a monthly basis. The program has developed orientation procedures for new students and parents and takes all necessary steps to ensure student participation in Team meetings when appropriate. The Learning Center does not obtain all necessary parental consent forms upon admission and annually thereafter. Missing consent forms include emergency medical care, medication administration, restraints, publicity, research and evaluation, field trips and notification of curriculum that involves human sexual education or human sexuality issues. The school has developed and made available to parents and students written procedures for complaints regarding students' education and care.

Component XIV: Student Records

The Learning Center keeps current and complete files for each publicly funded Massachusetts student and maintains them in accordance with the Massachusetts Student Record Regulations.

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: Commendable RESPONSE REQUIRED: No</p>

Department of Education Findings:

A review of documentation, staff interviews and observations revealed that The Learning Center has a comprehensive plan for students to participate in daily recreational and leisure activities that are appropriate to their ages, interests and needs. Monthly activity schedules with student input are developed for each residence and, once finalized, are sent home to parents or guardians to inform them of upcoming plans and to stimulate parental involvement. These activities are offered in addition to the agreed upon objectives outlined in the student's IEP and those residential skills related

to their personal care, household management, socialization and community precursor skills. They are also utilized to foster individual choice and decision making. Some examples of activities include going to the movies, game night, weekly swimming, yoga classes, attending concerts, playing bocce, attending local sporting events and participating in the Special Olympics.

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION

CRITERION NUMBER	Legal Standard
<p style="text-align: center;">2.2</p> <p>Approvals, Licenses, Certificates of Inspection</p> <p>28.09(2)(b)4-5</p> <p>28.09(5)</p> <p>28.09(6)</p> <p>18.04(1)</p> <p>102 CMR 3.06 (4)(b)</p>	<p>Each private school program maintains the following current licenses, approvals, and certificates of inspection by state and local agencies in a place available for public and employee review:</p> <ul style="list-style-type: none"> a. Building occupancy* b. Safety inspection in all buildings by the Department of Public Safety or local building inspector c. Annual fire safety inspection by local fire department* d. Lead paint inspection (if applicable);* (102 C.M.R. 3.06(4)(b): “All buildings, residential or otherwise, utilized by children age six years and under or with a mental age of six years and under shall be free of lead paint.”) e. Health safety* f. Approval by local school committee (per MGL c. 76, s. 1) g. Approval by OCCS to operate a group care facility or a special education day care center (if applicable)* h. Asbestos inspection i. PCB inspection j. Other inspections that may be required by local or state authorities k. (If applicable) a statement as to whether previous application has been made for approval, and the action on it <p>*A program with a residential component may submit the most recent OCCS license in fulfillment of those requirements marked with an asterisk (*).</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
2.3 OCCS License (Not applicable to Day Schools)	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.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS

CRITERION NUMBER	
	Legal Standard
3.1 3.2 3.3 Policies and Procedures Manuals 28.09(11)(b) 18.05(9)(d)	<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

CRITERION NUMBER	
	<p style="text-align: center;">Legal Standard</p> <p>peroxide and or other cleaning solutions. 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: Implemented RESPONSE REQUIRED: No</p>

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">4.1</p> <p style="text-align: center;">Aspects of program, staff credentials, and student records</p> <p style="text-align: center;">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 style="text-align: center;">Public Information and Postings</p> <p style="text-align: center;">28.09(6)(a,b, c,d,e)</p> <p style="text-align: center;">28.09(2)(b)(4)</p>	<p>The private school maintains on site and makes available for public view the following:</p> <ol 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 any school related function; f. current tuition rate for students; 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</p>

CRITERION NUMBER			
	Legal Standard		
	Agency and the Department of Education 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 h. any action taken by a federal, state or local agency that might jeopardize the school's approval with DOE 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.		RESPONSE REQUIRED: Yes
	Rating: Partially Implemented		RESPONSE REQUIRED: Yes

Department of Education Findings:

Based on interviews with staff, a review of documentation and student records, The Learning Center has not consistently notified the Department on all required incidents as listed above, specifically, 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 that occurs while the student is in the program.

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

CRITERION NUMBER			
	Legal Standard		
5.1 Student Admissions 28.09(11)	The private school develops and implements written admissions criteria, policies and procedures that include the following: 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.		RESPONSE REQUIRED: No
	Rating: Implemented		RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">5.2</p> <p>Policies and Procedures for Coordination and Collaboration with Public School Districts</p> <p>28.06 (2-3) 28.09(9)(c)& (d) 28.09(2)(b)7</p> <p>Federal Regulations:</p> <p>34 CFR 300.349 and 300.400-401</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>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

Department of Education Comment:

The Learning Center have two students who play water polo at the local high school as well as two students who participate in swim lessons in an integrated swim program.

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">5.3</p> <p>Contents of Coordination and Collaboration with Public School Districts</p> <p>28.06(2-3)</p>	<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

CRITERION NUMBER	
	Legal Standard
28.07(5) 28.09(9)(c) &(d) 28.09(2)(b)(7) 34 CFR 300.349 and 300.400-401	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; j. school district monitoring of student progress; k. the granting of “high school diplomas” consistent with Department of Education requirements; and l. the conditions for the issuance of any “certificates” of attendance or program completion by the private school.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

A review of documentation and staff interviews revealed that The Learning Center needs to ensure that contracts for each student are on file and current as required in c. listed above.

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 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED
EDUCATION PROGRAMS**

CRITERION NUMBER	Legal Standard
<p style="text-align: center;">8.1</p> <p>Implement- ation -- 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: Commendable RESPONSE REQUIRED: No</p>

Department of Education Findings:

Staff interviews, observations and a review of documentation revealed that The Learning Center has a comprehensive pre-vocational, vocational and career education spectrum. Depending on the age and needs of the student, varying degrees of emphasis and time are spent on the stages of career development (Awareness, Orientation, Exploration and Preparation). A range of activities are offered at each stage based on the student's abilities, interests and needs. Depending upon the individual student, these activities may include volunteer opportunities, work site visits, skill exploration, work samples, sub-contract work, classroom vocational experiences, job shadowing, job-seeking skills training, work experiences and on the job training. Specific examples include: Morning Minutes which are developed and distributed to each classroom and office each morning that includes staff and student birthdays, important events occurring that day, staff that are in, out sick or on vacation, lunch options and a thought for the day; a student run coffee shop, "Somethin's Brewin;" training sites at D'Angelo's where students are developing skills with the support of a job coach; and community based jobs such as Shaw's Supermarket where students independently travel to and from work. All students are paid in accordance with State and Federal Departments of Labor regulations.

express emotion and non-verbal ideas. Regardless of the particular activity, the main focus of Expressive Therapy involves the creation of art as a means of fostering relationships between the student and his/her peers and the community at large. The Expressive Therapist was instrumental in developing a compact disc (CD) that highlighted student selections of original music productions.

CRITERION NUMBER	
	Legal Standard
8.3 Implementation – Supplementary Aids/Services 34 CFR 300.28	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.
	Rating: Implemented RESPONSE REQUIRED: No

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

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

CRITERION NUMBER	
	Legal Standard
34 CFR 300.347(b)(1) 34 CFR 300.347(b)(2)	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.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.11 IEP-Transition Services 28.05(4)(c)	<p>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>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>
	Rating: Implemented RESPONSE REQUIRED: No

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

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

Department of Education Findings:

The Individual Behavior Treatment Plans are comprehensive and are consistently implemented in all program environments. All Learning Center staff are trained in all behavior programs for all students to ensure consistency in implementation of these plans for both positive and problematic behaviors. A history of the previous behavior management plan is maintained for reference as needed. Parents and school system representatives are invited to be included in the behavior management process that is thorough and frequent.

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	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.

CRITERION NUMBER	
	Legal Standard
18.03(10)	This policy is approved by the Department of Education. The school notifies the Department and parents immediately whenever any student 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	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:
18.05(6)	<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="272 380 310 407">9.7</p> <p data-bbox="204 447 378 474">Terminations</p> <p data-bbox="240 514 342 541">18.05(7)</p> <p data-bbox="215 581 367 609">28.09(12)(b)</p>	<p data-bbox="407 380 1406 474">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="407 514 1349 575">The program has developed a written termination policy that includes, but is not limited to, the following:</p> <ol data-bbox="407 615 1406 1178" style="list-style-type: none"> <li data-bbox="407 615 1406 743">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="407 747 1406 842">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="407 846 1406 1045">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 1050 1406 1178">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 1230 675 1257">Rating: Implemented</p> <p data-bbox="922 1230 1341 1257">RESPONSE REQUIRED: No</p>

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 Comment:

The Learning Center does not serve three and four year old students.

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

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

Department of Education Comment:

The Learning Center has not submitted a request for alternative ratios in the residential program.

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

CRITERION NUMBER	
	Legal Standard
<p style="text-align: center;">11.1</p> <p>Personnel Policies</p> <p>28.09(7) 28.09(11)(f) 18.05(11)</p>	<p>The private special education program has developed written personnel policies and procedures that describe:</p> <ol style="list-style-type: none"> a. Criteria and procedures for hiring, written evaluations, suspension or dismissal of any staff person; and development of teacher and staff evaluation forms; b. Procedures for handling staff complaints; c. Provisions for vacations, holidays, leaves, sick days, and any other benefits offered by the program; d. A plan for using volunteer and/or intern services; e. Equal employment/educational opportunities/affirmative action in regard to race, color, creed, national origin, sex, sexual orientation and handicap; and f. Procedures for 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>Adminis- trative Responsibi-</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
lity 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: Implemented RESPONSE REQUIRED: No

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 certified as appropriate in other educational areas in order to provide for content expertise in the general curriculum.
28.09(7)(b)(c) 18.05(11)(f)	

CRITERION NUMBER	
	Legal Standard
	<p>c. Where required by the Department of Education, the private school employs a higher proportion of certified special educators where the population of students requires more specialized services.</p> <p>d. To the extent that teaching staff is providing special education services, such services are provided, designed, or supervised by a special educator.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p>11.5</p> <p>Related Services Staff</p> <p>28.09(7)(d)</p>	<p>All staff providing or supervising the provision of related services are appropriately certified, licensed or registered by their respective state boards or professional associations.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p>11.6</p> <p>Master Staff Roster</p> <p>28.09(7)</p>	<p>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).</p>
	Rating: Implemented RESPONSE REQUIRED: No

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: 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: Commendable RESPONSE REQUIRED: No

Department of Education Findings:

A review of documentation and staff interviews revealed that Protestant Guild provides weekly supervision to all direct care staff individually as well as in a group training format. All residential staff interviewed commented on the enormous level of support and training they receive from their supervisors.

CRITERION NUMBER	
	Legal Standard
11.11 Supervision of Students 28.09(7) 18.03(1)	<p>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.</p> <p>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.</p>
	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 to 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 Learning Center provides a general orientation, specific orientation and formal orientation that includes all mandated training topics in addition to important orientation topics such as work hours, medical information and Individualized Behavior Treatment Plans. The Learning Center provides all

employees with six half-day sessions of additional training within the first three months of employment that includes trainings vital to successfully working with the students enrolled such as American Sign Language (ASL), teaching methods, family style meals, working with groups, activity schedules and personal growth and development to name a few.

CRITERION NUMBER	
	Legal Standard
<p>12.2</p> <p>Annual In-Service Training Plan and Calendar</p> <p>28.09(7)(f)</p> <p>18.05(11)(h)</p>	<p>The private special education program develops and implements a written plan for staff orientation and training that is consistent with the needs of the student population, appropriate to the role of each staff member and provides, on average, at least two (2) hours per month of relevant training for all staff including non-professional staff (child care workers/direct care staff on all shifts). Staff input is elicited and considered.</p> <p>The following topics are required in-service training topics and are offered annually to all staff providing direct care services to students:</p> <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 k. Civil rights responsibilities
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>12.2 (a)</p> <p>Behavior Management and Restraint Training</p> <p>28.09(11)</p> <p>18.05(5)</p>	<p>Training of Behavior Management and Suspension and Termination procedures includes:</p> <ul style="list-style-type: none"> a. Program’s student conduct/discipline code; b. Description of safeguards for students’ emotional, physical, and psychological well-being; c. Policies on use of time-out procedures; d. Techniques for dealing with disruptive and violent behavior including skill training on the proper use of non-violent restraint. e. Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy; (NOTE: OCCS residential regulations on behavior management, including restraint and time-out, are found at 102 CMR 3.07(7). The provisions relating to restraint are expanded in EOHHS/OCCS’s “Guidelines for Physical Restraint” issued 1/11/00. DMH regulations re restraint may apply to schools serving DMH clients. DOE Regulations on the Use of Restraints in Publicly Funded Education Programs [603 CMR Section 46.00] apply to a private day programs approved by the Department of Education where such program does not hold the approval of the Department of Education as a residential school.) f. Procedures for obtaining and recording data regarding student discipline and behavior along with a description of how such data will be integrated into IEP Team discussions. g. Procedures for obtaining parental consent, if appropriate.
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

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

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: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (e) Student Record Training 28.09(10)	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 (i) Staff Evaluations 18.05(11)(c)1.	Written performance evaluations are maintained on all staff. Personnel are evaluated annually.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Based on a review of personnel records and staff interviews, not all staff are evaluated on an annual basis.

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS

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

Department of Education Findings:

Based on observations, The Learning Center needs to increase the availability of computers for student and staff use.

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

Department of Education Findings:

Based on observations, although there are numerous resources available for students throughout The Learning Center, they are located in individual classrooms that limits access for all students. The Learning Center must catalog all educational materials so that all classrooms are aware of the materials available for student use and increase some resources in this area.

The on-site team recognizes that many of The Learning Center students have library cards to the local public library and have access to materials there weekly.

CRITERION NUMBER	
	Legal Standard
13.7 Indoor Space 18.04(7)(a)	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. Additionally, the program: 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: Implemented RESPONSE REQUIRED: No

Department of Education Comment:

Based on observations, the on-site team found The Learning Center strives to keep its' school facility updated in ways that promote the educational experience and prevent the escalation of behavioral situations. One example is the installation of windows that change to one-way mirrors when the lights in the hallway are dimmed. This provides opportunities for observations and support to students and teachers in a non-disruptive manner.

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: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.4 Parent Consent 28.07(1)(b)	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: a. in coordination with responsible school districts, IEP-related matters b. Emergency medical care c. Medications d. Restraints e. Publicity, research, evaluation f. Field Trips g. in coordination with responsible school districts, the Parental Notification Law pursuant to Chapter 71, Section 32A concerning curriculum that primarily involves human sexual education or human sexuality issues
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Based on a review of student records, parental consent is not received annually on consents b., c., d., e., f. and g. listed above.

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 Age of Majority</p> <p>28.07(5)</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 eighteen, or to ensure that another mechanism is in place to obtain consent, i.e.:</p> <ul style="list-style-type: none"> a. the parent or other legally eligible party has petitioned and been appointed guardian by a court of competent jurisdiction; b. the student chooses to share decision-making with his or her parent; c. the student chooses to delegate continued decision-making to his or her parent or other willing adult. <p>(See also Criterion 15.3.)</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

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 Procedure Manual 18.05(9)(c) 18.05(9)(d)	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.
	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
16.4 Emergency First Aid 18.05(9)(e)	<p>The school has developed written policies and procedures for emergency first aid and care including:</p> <ol 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 style="text-align: center;">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 style="text-align: center;">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 medically necessary and students on antipsychotic medication must be carefully

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>

CRITERION NUMBER	
	Legal Standard
<p>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> <p>a. log of access consistent with requirements of the Massachusetts Student Record Regulations. 18.05(11)(a)</p> <p>b. face sheets with the following information:</p> <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) • Notation of allergies and/or any other medical condition affecting student's well-being, e.g., seizures • Information specific to this student re handling of medical emergencies <p>c. copy of IEP;</p> <p>d. copies of quarterly progress reports and any modification of the IEP;</p> <p>e. copy of the student's termination or discharge plan;</p> <p>f. health records, including reports, documentation of physical examinations, allergies, screening tests, results of medical care;</p> <p>g. all evaluations or assessments conducted of the student;</p> <p>h. pertinent correspondence concerning the student;</p> <p>i. information regarding the use of behavior management interventions including, but not limited to, restraint (chemical, mechanical, physical) and time-out procedures; and</p> <p>j. copies of all incident reports.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

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