



The Commonwealth of Massachusetts Department of Education

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September 20, 2006

Rita Gardner, Executive Director
Melmark, New England
50 Tower Office Park
Woburn, MA 01801

Re: Onsite Follow-up Monitoring Report: Program Review Corrective Action Plan
Verification and Mid-cycle Review

Dear Rita:

Enclosed is the Department's Program Review Follow-up Monitoring Report together with findings regarding your private school's Mid-Cycle Program Review. This report contains the Department's findings based on the onsite activities conducted in your school to verify the implementation status and effectiveness of corrective steps taken in response to your Program Review Report issued on March 10, 2003. This report also includes a report on the status of implementation for new state or federal special education requirements enacted since your school's last Program Review.

We are pleased to indicate that the Department of Education has found your school's approved Corrective Action Plan to be substantially implemented and effective in remedying previously identified noncompliance issues. Additionally, we have determined that your school is in substantial compliance with any new state or federal special education requirements enacted since your last Program Review. The findings of the Department are included in the attached Follow-up Monitoring Report. You and your entire staff are to be congratulated for your efforts in implementing all necessary improvements. Your private school will now receive an updated status of "Full Approval." This approval shall remain in effect for three (3) years from the date of this letter and attached approval certificate. This approval will be contingent upon continued compliance with all regulations contained within 603 CMR 28.00 "Special Education Regulations" and 603 CMR 18.00 "Program And Safety Standards For Approved Public Or Private Day And Residential Special Education School Programs." The Department of Education may change this approval status at any point during this three-year period if circumstances arise that warrant such a change.

The Department will notify you of your school's next regularly scheduled Program Review
Melmark, New England Program Review Mid-cycle Report

several months before it is to occur. At this time we anticipate the Department's next routine monitoring visit to occur sometime during the FY 2008-2009, unless the Department determines that there is some reason to schedule this visit earlier.

Your staff's cooperation throughout these follow-up monitoring activities is appreciated. Should you require additional clarification of information included in our report, please do not hesitate to contact the Onsite Team Chairperson at 781-338-3701.

Sincerely,

Diane L. Chadwell, Program Review Follow-up Chairperson
Program Quality Assurance Services

Darlene Lynch, Director
Program Quality Assurance Services

c: David P. Driscoll, Commissioner of Education
H. Robert Marcus, Chairperson, Board of Directors, Melmark
Lawrence Cancro, Chairperson, Board of Directors, MelmarkNE

Encl.: Follow-up Monitoring Report
Full Private School Approval Certificate, Expiration Date: August 31, 2009

**MASSACHUSETTS DEPARTMENT OF EDUCATION
PROGRAM REVIEW**

MELMARK NEW ENGLAND

**ONSITE VERIFICATION OF CORRECTIVE ACTION PLAN IMPLEMENTATION
AND/OR IDENTIFICATION OF ADDITIONAL FINDINGS REQUIRING CORRECTIVE ACTION**

Onsite Visit Conducted on June 13-14, 2006

Date of this Report on September 20, 2006

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1.3 Program's Curriculum 28.09(9)	√ √	Documentation Interviews	Melmark New England 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. The program description also includes opportunities for students to participate in daily recreational	√		

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			and leisure activities that are appropriate to the ages, interests and needs of the students.			
2.2 Approvals, Licenses, Certificates of Inspection 28.09 (2)(b)4-5 28.09(5) 28.09(6) 18.04(1) 102 CMR 3.06 (4)(b)	√	Documentation Observation	Melmark New England maintains all current licenses, approvals and certificates of inspection by state and local agencies in a place available for public and employee review.			
2.3 DEEC License	√	Documentation	Melmark New England maintains all current DEEC licenses for its residences.			
3.2 Health Care Manual	√	Documentation	Melmark New England maintains a written and current health care policies and procedures manual containing			

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			all required health-related policies and procedures as described in 603 CMR 28.00 and 603 CMR 18.00. This manual is approved by a licensed physician.			
4.4 Advanced Notice of Program/ Facility Change 28.09(5)(c)	√	Documentation Interviews	Prior to any substantial change to the program or physical plant Melmark New England has provided required written notification to the Department to obtain approval. Melmark New England has recently applied for and received approval for Extraordinary Relief. The program is currently renovating a facility in Andover for their day school. The staff expect to move the program to the new facility in the fall of 2006. Program administrators provided all required notifications to the Department prior to making this change.			

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4.5 Immediate Notification 18.03(10) 18.05(7) 28.09(12)	√ √	Documentation Interviews	Melmark New England provides immediate notification to the parent, the public school district special education administrator, any State Agency involved in the student care or placement and the Department of Education for all required serious incidents.	√		
5.2 Policies and Procedures for Coordination/Collaboration with Public School Districts 28.06(2-3) 28.09(9)(c)&(d) 28.09(2)(b)7 Federal Regulations: 300.349 and 300.400-.401	√	Documentation Interviews	Melmark New England works collaboratively with the placing public school to ensure to the maximum extent appropriate, children with disabilities are given opportunities to return to a less restrictive educational program.			
6.1	√	Documentation	Melmark New England provides			

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Daily Instructional Hours 603 C.M.R. 27.00	√	Interviews	an average annual minimum of five and a half hours per school day for secondary aged students.	√		
6.2 School-to-Work 603 CMR 27.02, 27.04	√	Documentation Interviews	Melmark New England Provides school to work experiences for students when appropriate and included in their IEP and provides appropriate monitoring of the time spent in these programs.			
6.4 School Days per Year 28.09(9)	√	Documentation	Melmark New England is approved as a twelve-month school program and is in session 236 school days.			
6.5 Early Release of High School Seniors 603 CMR 27.05	√	Documentation	Melmark New England does not schedule early release for graduating seniors.			

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7.1 Curriculum Frameworks 28.09(9)(b)	√	Documentation Interviews	Melmark New England has taken steps to provide all students with essential learning opportunities that prepare the students to reach the state graduation standards. The program continues to work on the development of its curriculum.	√		
7.3 State/District Wide Assessments	√	Documentation Interviews Student Records	Melmark New England has written procedures that outline how students will participate in state and/or district wide assessments that includes how Melmark New England will provide for MCAS testing accommodations and/or the administration of alternate assessments as determined by each student's Team.			
8.4 Program Modifications and Support	√	Documentation Interview	Melmark New England has a policy in place to work with the public school district to implement program			

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Services for Limited English Proficient Students Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); M.G.L. c. 71, s. 38Q1/2; 603 CMR	√		modifications and support services when needed to serve limited English proficient students.	√		
8.9 IEP – Revisions & Changes 34 CFR 300	√	Documentation Interviews Student Records	Melmark New England has a policy that ensures that it notifies the public school district and parents whenever the IEP needs to be revised to reflect a change in goals, placement, or a return to a less restrictive setting. The program no longer holds Team meetings without public school.			
10.1 Student: Teacher Ratios	√	Documentation Interviews	Melmark New England ensures that instructional groupings do not exceed required limits. Because of the needs of the			

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28.06(6)(d)&(g) 28.09(7)(e)	√		population of students the student to teacher ratio is lower than those required by regulation.	√		
10.4 Student: Child Care Ratios 28.09(7) 18.01(2)	√	Documentation Interviews	Melmark New England ensures that the program has a student to child care worker ratio within the required ratios.			
11.1 Personnel Policies 28.09(7) 28.09(11)(a) 18.05(11)	√	Documentation Interviews	Melmark New England has written personnel policies and procedures that meet the requirements of 603 CMR 28.09(7), 603 CMR 28.09(11)(a) and 603 CMR 18.05(11) as required.			
11.3 Educational Administrator Qualifications	√	Documentation Interviews	Melmark New England currently has two staff who are designated as the Educational Administrators for the program. Each educational administrator is responsible for supervising			

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			the provision of special education services specified in the IEPs for students in assigned residences and classes in the school.			
11.4 Teachers Special Education Teachers and Regular Education Teachers 28.09(7)(b)(c) 18.05(11)(f)	√	Documentation Interviews	Melmark New England ensures that all teaching staff are appropriately certified or are on approved waivers issued by the Department of Education.			
11.4(a) Professional Development Plans 28.09(7)(b)(c) 18.05(11)(f)	√	Documentation Personnel files	Melmark New England ensures that all teaching staff holding professional licensure and have Professional Development Plans approved by their supervisors.			
11.5 Related	√	Documentation	Melmark New England ensures that all related services staff are			

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Services Staff 28.09(7)(d)			appropriately certified and licensed.			
11.6 Master Staff Roster 28.09(7)	√	Documentation Interviews	Melmark New England maintains a master list of all staff for every position within the program that includes the person's job title together with their corresponding UFR title numbers and full-time equivalents (FTE's).			
11.7 Job Description 18.05(11)(d)	√	Documentation	Melmark New England has written job descriptions for all staff positions that are available for staff and parents if requested.			
11.8 Salary Ranges 18.05(11)(e)	√	Documentation	Melmark New England has established in writing a salary range including benefits covering all positions.			
11.9 Organizational Structure	√	Documentation Interviews	Melmark New England demonstrates that its organizational structure			

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28.09(7) 28.07(c)			provides for the effective and efficient operation of the school, supervision of school staff and supervision of students.			
11.11 Supervision of Students 28.09(7) 18.03(1)	√	Documentation Interviews Observation	Melmark New England has developed a plan that describes how it will supervise students while they are engaged in school related activities on and off school grounds. The plan includes arrangements for individual and group recreational programs appropriate to the age, interests, and needs of each student.			
11.12 Accessibility of Extracurricular Activities Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34	√	Documentation	Extracurricular activities sponsored by Melmark New England are nondiscriminatory in that no student is denied opportunity to participate based on race, sex, color, religion, national origin, sexual orientation, disability or homelessness.			

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CFR 106.31, 106.41; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(a), (c); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; M.G.L. c. 76, s. 5; 603 CMR 26.06	√					
12.2 Annual In-Service Training Plan and Calendar 28.09(7)(f) 18.05(11)(h)	√	Documentation Interviews	Melmark New England 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. Melmark New England provides			

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			all required trainings to all staff.			
13.3 Comparability of Facilities Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.33,106.40(b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)	√	Observation	Where Melmark New England provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the program.			
15.1 Parental Involvement and Parents' Advisory Group 18.05(4)(a)	√	Documentation Interviews	Melmark New England has a written plan for involving parents. The Parents' Advisory Group advises the school on matters that pertain to the education, health and safety of the students in the school.			

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			Melmark New England encourages parental involvement. There is strong parent participation and support in the school.			
15.3 Information to be translated into Languages other than English Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)	√	Documentation Interview	Melmark New England has had limited need for the translation of documents for parents who are not proficient in English. The program has coordinated with a student's public school for translation of IEP documents when it was needed. The program has a policy to ensure the translation of communications when needed.			
15.8 Registering Complaints 18.05(1)(b)16	√	Documentation	Melmark New England has written procedures that address registering complaints regarding the student's education and care at the school that are available to parents and students.			

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16.9 Students with Comfort Care/Do Not Resuscitate Orders	√	Documentation	Melmark New England has developed a policy of the care of a child with a DNR order.			
16.10 Meningococcal Disease and Vaccination MGL, Chapter 76, s.15D 105 CMR 220.700	√	Documentation	Melmark New England has developed a policy relative to the requirements associated with Meningococcal Disease and vaccination.			
18.2 Student Records 28.09(10) MGL c. 71, s. 34H 603 CMR 23.00 Family Educational	√	Documentation Student Records	Melmark New England ensures that student records include individual access logs, that all face sheets contain all required documentation and that all records contain appropriate educational, clinical and pertinent correspondence regarding each student as			

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Rights and Privacy Act (FERPA)			required.			

Additional compliance criteria added by the Department relative to specific findings
in the school's last Program Review Final Report

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5.3 Content requirements policies/procedures for Coordination/Collaboration with Public School Districts 28.06(2-3) 28.07(5) 28.09(9)(c)&(d) 28.09(2)(b)7 Federal Regulations: 300.349 and 300.400-401	√ √	Documentation	Melmark New England has Policies and procedures that describes the role and responsibilities of the program and its staff as well as general communication and collaboration procedures that address all items required by this criterion.	√		

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9.3 Runaway Students 18.03 (10)	√ √	Documentation Interview	Melmark New England has a policy including a definition of runaways appropriate for the school population and location, as well as procedures for handling students who run away. Staff are familiar with the definition of runaways and procedures relative to handling students who run away.	√		
9.5 3-5 Day Suspensions 18.05(6)	√	Documentation	Melmark New England has a written policy on suspensions that contains all required items in this criterion.			

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<p>9.6 Suspensions Joint responsibilities of the public/private school and the responsible school district</p> <p>Federal Requirements: 34 CFR 300.519-.529</p>	<p>√ √</p>	<p>Documentation Interviews</p>	<p>Melmark New England has policies and procedures to ensure that it implements all requirements relative to students who are suspended over 10 days in the school year.</p>	<p>√</p>		

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13.7 Library/Resource Room 18.04(6)(b)	√	Documentation Interviews		√	Melmark New England has previously been found to be in noncompliance for its lack of an appropriate library/resource room. This continues to be a concern, however, the program is in the process of moving the program to a new facility, which reportedly will have appropriate space for a library/resource room.	Onsite review of library space in the new facility. Specific date prior to occupancy of new facility to be determined.