



Early Beginning Center, Inc.

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

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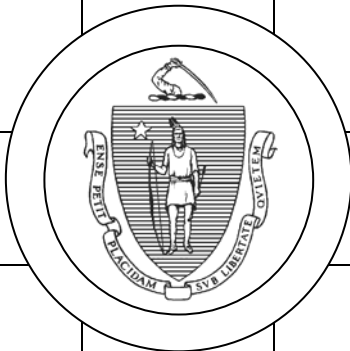
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**MASSACHUSETTS DEPARTMENT OF EDUCATION
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW**

Early Beginning Center, Inc.

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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 2005-2006 review cycle were notified in October 2005 of scheduled visits and were encouraged to assess themselves before the arrival of the Department's visiting team.

The statewide six-year Private School Program Review cycle together with the Department's Mid-cycle follow-up monitoring schedule is posted on the Department's web site at <http://www.doe.mass.edu/pqa/review/psr/6yrcycle.html>.

Private School Program Review Elements

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

Scope: All approved private schools in the Commonwealth are monitored through the Department's Private School Program Review system on a six-year cycle with an additional mid-cycle follow-up visit. This six-year monitoring and follow-up cycle is coordinated with the Department's Approved Private School Application Renewal procedures.

Content: The Program Review criteria encompass key elements drawn from 603 CMR 18.00 and 28.00 and the private school's application for approval. The elements selected for the 2005-2006 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-2004) as described in the Department's Special Education Advisories. 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 should have been 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: Instructional classrooms and school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program requirements.
- Review of personnel records.

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 identified as not fully implemented, the private school must propose corrective action to bring those areas into compliance with the controlling statutes or regulations. **Under new federal *Special Education State Performance Plan* requirements pursuant to IDEA-2004, public and private schools serving disabled students must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department's Final Program Review Report.**

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 believes that the Private School Program Review process is a positive experience and that the Final Report is a helpful planning document for the continued development and improvement of programs and services in each approved private school.

REPORT INTRODUCTION

A two-member Massachusetts Department of Education team visited Early Beginning Center during the week of March 27, 2006 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 Early Beginning Center.

The staff are dedicated to the students, and there is little staff turnover.

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:

- Interview of one administrative staff.
- Interviews of three clinical staff.
- Interviews of three teaching and educational support services staff.
- Interviews of zero Parent Group representatives and zero parents of Massachusetts students enrolled in the school.
- Interviews of one representatives of state and local agencies responsible for placement of students in the school.
- Interview of two members of the Board of Directors.
- Student record review: A sample of four 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: All instructional classrooms and other school facilities used in the delivery of programs and services were visited to determine general levels of compliance with program requirements.

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

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

PRIVATE SCHOOL PROGRAM REVIEW REPORT

EXECUTIVE SUMMARY

Early Beginning Center

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

AREA 1: REQUIRED INFORMATION, NOTIFICATIONS AND POSTINGS

Early Beginning Center has not developed a comprehensive description of the student population served. There is no written documentation of program and services that include philosophy, goals and objectives and operational capacity and enrollment information.

AREA 2: ADMINISTRATION- LEGAL AND FINANCIAL DOCUMENTATION

Early Beginning Center maintains current approvals, licenses and certificates of inspection by state and local agencies in a place available for public and employee review.

AREA 3: ADMINISTRATION- MANUALS AND HANDBOOKS

Early Beginning Center has not developed a comprehensive Policies and Procedures Manual or a Health Care Manual with policies and procedures that meet all criteria specified in the regulations. There is a health care policy addressing "Students with Comfort Care/Do Not Resuscitate Orders". A Personnel Policies Manual is available on site to staff. There is no written notice to parents and staff that copies of all policies and procedures are available upon request.

The School has employment practices that are free from discrimination, but faculty salary scales were not submitted.

AREA 4: DISCLOSURE OF INFORMATION

Early Beginning Center has made available on site for public review some of the required information and postings.

The School has not ever notified the Department of Education of substantial changes to the program and physical plant prior to the implementation of such a change. The School has not ever provided written notice, a Form 1, to the Department of any sudden and/or unexpected change(s) that may impact the health and safety of students and/or the delivery of services required by IEPs.

The School does not have comprehensive written policies and procedures to ensure that immediate notifications are made to the parent, the public school district special education

administrator, any state agency involved in the student care and placement and the Department of Education of serious incidents. The School does not maintain written documentation of the required correspondence with all required parties.

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

Early Beginning Center has developed and implemented written admissions criteria, but it does not have policies and procedures that contain all required components.

The private school works collaboratively with placing school districts to ensure that, to the maximum extent appropriate, children with disabilities are provided opportunities to be educated and socialized with children who do not have disabilities. However, the School has not developed written policies/procedures that describe roles and responsibilities of the program and its staff as well as general communication/collaboration and coordination that include all required components.

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS: STUDENT LEARNING TIME

Early Beginning Center has not developed a calendar that includes at least five additional school days to account for unforeseen circumstances.

The program does not provide the minimum required daily instructional hours for six to eight year old students, who are included in the age range for the approved program.

There is no written plan that describes the implementation of physical education requirements and the physical education program offered to students. There is not a physical education curriculum as well as written schedules that clearly indicate when and how often physical education classes are provided to students.

AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS: CURRICULUM FRAMEWORKS AND STATE ASSESSMENT

Early Beginning Center does not currently have enrolled students who participate in state and/or local district assessments. However, the approved age range for the program includes students of age eight and the School has not developed written policies and procedures for the participation of these students in statewide assessments. Not all staff have a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance.

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS: INDIVIDUALIZED EDUCATION PROGRAMS

Early Beginning Center has not provided a description of the educational and related services implemented for the described student population. The School did not provide a list of supplementary services available to enrolled students.

The School does not maintain current, signed IEPs for all students enrolled in the program. Students are not receiving educational, related and supplementary services as specified on their IEPs, specifically speech and language services. The School has assigned an educational case manager to each student. The program does not ensure that parents, guardians, sending school districts and involved agencies are receiving quarterly progress reports that contain the required information. The School has made changes to IEPs without convening a Team meeting, and the School issues the IEPs to parents for consent, and then to LEAs. The LEA is responsible for issuing the IEPs to parents.

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

Early Beginning Center has not developed a comprehensive set of policies and procedures dealing with discipline and behavior management that meets all special education requirements and all applicable state and federal requirements pertaining to the use of restraint. The School needs to address written policies pertaining to runaway students, restraints, suspensions and terminations.

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

Early Beginning Center maintains appropriate staff-to-student ratios and age ranges during the school day.

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

Early Beginning Center has developed and implemented written personnel policies and procedures.

There is not a qualified Educational Administrator on staff, although the School has staff who are appropriately licensed for the teaching and related services positions that they hold. Not all licensed teaching staff holding professional licensure have obtained supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04.

The School has an organizational structure that provides for the effective and efficient operation of the school and supervision of staff and students. The School submitted a written 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, but it is inconsistently understood and implemented by staff. Extracurricular activities are offered in a nondiscriminatory manner.

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS: STAFF TRAINING

Early Beginning Center has not developed and implemented a written plan for orientation of all new staff to ensure understanding of the school's philosophy, organization, program, practices and goals. New staff are permitted to begin duties before all training is completed. The School does not have a written plan for staff training that includes all mandated training topics. Not all staff providing direct care services to students receive annual training on all of the Department's mandated training topics. The school does not implement a procedure for evaluating staff consistent with the written policy included in the personnel manual.

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS

Early Beginning Center provides the facilities, textbooks, equipment, technology, materials, and supplies needed to provide the special education and related services specified on students' IEPs. The School has classroom space that is adequate with respect to the number of students, size, and age and student specific educational needs. There is not a library/resource room that is separate from regular instructional space and contains materials appropriate to the needs of enrolled students. The building is fully accessible to individuals with limited physical mobility. There is no outdoor play area appropriate for the enrolled students.

AREA 14: REQUIREMENTS FOR DAILY CARE

Early Beginning Center staff understand the nutritional requirements of students enrolled in the program, and they receive training on specialized dietary needs of students when appropriate. The personal privacy of students is not provided when diapers are changed in the open classroom. There are written plans describing required procedures including regular toileting and diapering, disposal or laundering of soiled clothing or diapers.

AREA 15: PARENT AND STUDENT INVOLVEMENT

Early Beginning Center does not have a Parents' Advisory Group. In the Parents' Handbook, there are written orientation procedures for new parents and students upon admission to the program. The School obtains most, but not all, required parental consents. The School does not ensure that general announcements and notices of extracurricular activities are provided to parents/guardians in the primary language of the home. The School has developed written procedures for parents to register complaints. Staff do not have a written grievance procedure.

AREA 16: HEALTH AND MEDICAL SERVICES

Early Beginning Center does not have a comprehensive Health Care Policies and Procedures Manual which has been approved by a licensed physician. There is no physician to provide consultation as needed. A nurse implements all health care and medical policies and procedures, such as emergency first aid, administration of medication and preventive health care.

The School has a written policy for "Students with Comfort Care/Do Not Resuscitate Orders".

There is no written policy for the receipt of medical treatment on the basis of religious beliefs.

AREA 17: TRANSPORTATION SAFETY

Early Beginning Center does not transport the enrolled students. Staff are trained to ensure that students are transported by districts and parents in a safe manner that is responsive to individual students' needs and provisions of their IEP.

AREA 18: STUDENT RECORDS

Early Beginning Center keeps files for each publicly funded enrolled Massachusetts student. The student records do not contain all required information including, but not limited to a face sheet that is not always updated annually or on an as needed basis.

Early Beginning Center

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION PLAN DEVELOPMENT**

**in response to the following
PROGRAM REVIEW REPORT FINDINGS**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 1: Required Information, Notifications And Postings	1.2		
Area 2: Administration -- Legal And Financial Documentation			
Area 3: Administration -- Manuals And Handbooks	3.2	3.1, 3.1a	
Area 4: Disclosure Of Information	4.3	4.4, 4.5	
Area 5: Admissions Procedures And Coordination/Collaboration With School Districts	5.1, 5.2	5.5	
Area 6: Educational Program Requirements -- Student Learning Time	6.1, 6.1a, 6.4		
Area 7: Educational Program Requirements -- Curriculum Frameworks And State Assessments	7.1, 7.2	7.3	
Area 8: Educational Program Requirements -- Individualized Education Programs	8.5, 8.7, 8.8, 8.10	8.1, 8.2, 8.3, 8.4, 8.9	
Area 9: Educational Program Requirements -- Student Discipline And Behavior Management	9.1, 9.7	9.2, 9.5, 9.6	
Area 10: Educational Staffing Requirements -- Student:Teacher And Student:Child-Care Worker Ratios			
Area 11: Educational Staffing Requirements -- Personnel Policies, Qualifications, Responsibilities	11.4, 11.4a, 11.7, 11.13	11.3, 11.8, 11.11,	

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 12: Educational Staffing Requirements -- Staff Training	12.1, 12.2, 12.2a, 12.2b, 12.2c, 12.2h, 12.2i		
Area 13: Physical Facility And Equipment Requirements		13.7, 13.9	
Area 14: Requirements For Daily Care	14.3		
Area 15: Parent And Student Involvement	15.5, 15.8	15.1, 15.3, 15.4	
Area 16: Health And Medical Services	16.1, 16.4, 6.5, 16.7	16.2, 16.6, 16.8	
Area 17: Transportation Safety			
Area 18: Student Records	18.2		

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE” RATING.

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
1.2 Program & Student Description Program Capacity 28.09(2)(b)(2,3,7)	A narrative is provided that describes the program's: <ol style="list-style-type: none"> a. Operational capacity b. Identified population of students to be served, including the current and/or projected enrollment maximum enrollment, ages of students and their educational and behavioral characteristics c. Philosophy, goals and objectives d. Mechanisms for delivery of services
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Early Beginning Center did not submit all documentation on the program and student description. The operational capacity, identified population of students to be served, including the current and/or projected enrollment maximum enrollment, and the philosophy, goals and objectives were not included.

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION

CRITERION NUMBER	
	Legal Standard
2.1 Legal Status	The program provides a description of its legal status including names of individuals and principal parties with ownership, oversight, and key administrative responsibilities.

CRITERION NUMBER	
	Legal Standard
28.09(2)(b)4	The program maintains complete documentation on ownership, governance, management, mission, and mechanisms for service delivery.
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings:

Early Beginning Center has submitted documentation on the description of its legal status including names of individuals and principal parties with ownership, oversight, and key administrative responsibilities.

CRITERION NUMBER	
	Legal Standard
2.2 Approvals, Licenses, Certificates of Inspection 28.09(2)(b)4-5 28.09(5) 28.09(6) 18.04(1)	<p>The program has current licenses, approvals, and certificates of inspection by state and local agencies for:</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);* <ul style="list-style-type: none"> a. [See 102 CMR 308(4)(b): All buildings, residential or otherwise, utilized by children younger than six or with a mental age younger than six shall be free of lead paint violations in accordance with 105 CMR 460.000 (Massachusetts Department of Public Health Prevention and Control of Lead Poisoning regulations).] e. Health safety;* f. Approval by local school committee (per MGL c.76, s.1); g. Approval by DEEC to operate a group care facility or a special education day care center (if applicable);* h. Asbestos inspection or date when building was constructed and statement from appropriate authority that building is asbestos free; i. PCB inspection or date when building was constructed and statement from appropriate authority that building and all light ballasts are free from PCB's; j. Other inspections that may be required by local or state authorities; and k. (If applicable) a statement as to whether previous application was made for approval, and the action that was taken on it.

CRITERION NUMBER	
	Legal Standard
	A program with a residential component may submit the most recent DEEC license to fulfill those requirements marked with an asterisk ().
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings:

Early Beginning Center has submitted documentation on lead paint, asbestos, or PCB inspections. Other required certificates of inspection and local school committee approval were reviewed and meet the requirements.

CRITERION NUMBER	
	Legal Standard
2.3 DEEC License (NA to Day Schools)	The program has a current, full license from Department of Early Education and Care (DEEC (per 102 CMR 3.00) to operate as a residential school.
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:

Early Beginning Center is a day program and does not require a license from DEEC.

CRITERION NUMBER	
	Legal Standard
2.4 Financial Solvency 28.09(2)(b)4	The private school program maintains good standing with state and federal tax authorities and provides notification of any outstanding tax liabilities.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
2.5 Financial Management 28.09(2)(b)4	The private school program maintains accurate records of receipts and expenditures, consistent with the regulations of the Massachusetts Operational Services Division, together with a Program Budget and a list of the proposed tuition rates for all publicly and privately funded students attending the school, including students from outside Massachusetts [808 CMR 1.00].
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings:

Early Beginning Center has submitted documentation on the Program Budget with a list of the proposed tuition rates, as well as records of receipts and expenditures.

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS

CRITERION NUMBER	
	Legal Standard
3.1 Policies & Procedures Manual 28.09(11)(b)	All approved public and private special education schools shall maintain onsite a policies and procedures manual and shall provide written notice to parents of enrolled students that copies of such policies and procedures are available upon request.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Early Beginning Center did not submit a Policies and Procedures Manual.

CRITERION NUMBER	
	Legal Standard
3.2 Health Care Manual 18.05 (9)(d)	<p>The program maintains a written and current health care policies and procedures manual containing all required health-related policies and procedures as described in 603 CMR 28.00 and 603 CMR 18.00, and approved by a licensed physician. The manual is readily available to all staff and includes policies and procedures on the following subjects:</p> <ul style="list-style-type: none"> a. Provision of medical, nursing, and infirmary care b. Emergency first aid (see criterion 16.4) c. Administration of medications, per DPH regulations d. Administration of anti-psychotic medications including, where appropriate, “Rogers Procedures” e. Students with Comfort Care/Do Not Resuscitate Orders (DPH Guidelines issued on November 30, 2004) f. Meningococcal Disease and Vaccination for Residential Schools with Grades 9-12 and Postsecondary Institutions that Provide or License Housing (Massachusetts General Laws, Chapter 76, s.15D and related regulations of DPH, 105 CMR 220.700) g. Preventive health care (see 16.7) h. Receipt of medical treatment in accordance with students’ religious beliefs i. No smoking policy (see Assurance on this subject) j. Toileting procedures k. Food and nutrition (see 14.2) l. Name and contact information for consultant physician and additional emergency contacts.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Early Beginning Center did not submit a Health Care Manual containing all required policies and procedures.

CRITERION NUMBER	
	Legal Standard
3.3 Special Education	<p>State regulations and specified excerpts from current federal special education regulations and related reference materials must be compiled and readily available for parents and staff to inspect.</p>

CRITERION NUMBER	
	Legal Standard
Regulations and Reference Materials State: 603 CMR 28.00 Federal: 34 CFR 300.300-.577 and Appendix A	This compilation of materials must contain at least the following 5 documents: <ol style="list-style-type: none"> a. Current 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 Department of Education IEP Process Guide and IEP Forms e. State restraint regulations (for day schools)
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings:

State regulations, current federal special education regulations and related reference materials were submitted for review.

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER	
	Legal Standard
4.1 Aspects of program, staff credentials and student	The private special education school shall make available to the Department information on all aspects of the school’s program(s), the license and/or credentials of its staff and the individual records of enrolled Massachusetts students.

CRITERION NUMBER	
	Legal Standard
records 28.09 (5)(a)	
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
4.2 Public information and Postings 28.09(6)(a,b,c ,d,e), 28.09(2)(b)(4)	<p>The private special education school maintains on site and makes available for public review by posting in public locations 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 Department of Early Care and Education (must be posted in a public location) 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. <u>For public programs</u>: a notice that use of tobacco products is not permitted on school property or at any school related function (must be posted in a public location) e. <u>For private programs</u>: a notice that use of tobacco products is not permitted in school buildings (must be posted in a public location) f. Program information including a statement of purpose, general description of educational program and an organizational chart <p>In addition to the above, <u>private special education schools must maintain the following information</u> for public review:</p> <ol style="list-style-type: none"> a. Current tuition rate for students b. Evidence of authority to operate the private school including Documents that identify ownership and, as applicable, partnership agreements, the names of officers, boards, charters, articles of organization and by-laws
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings:

Evidence of authority to operate the private school, including documents that identify ownership and, as applicable, partnership agreements, the names of officers, boards, charters, articles of organization and by-laws were available, although not always posted for review in a public location.

CRITERION NUMBER	
	Legal Standard
4.3 Publicly Available Information 28.09(5)(a,b), (6) 18.04(1)(a)(b) 102 CMR 3.06(4)(b)	<p>The private special education school maintains the following in a place available for public and employee review:</p> <ul style="list-style-type: none"> • Valid safety inspections of all buildings by the Department of Public Safety or the local building inspector • Health inspections • Fire safety inspection from the local fire department • Asbestos inspection • PCB inspection • A report demonstrating compliance with childhood lead poisoning prevention and control law and regulations, if applicable • School's policy and procedure manual
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Observation showed a valid safety inspection was posted, but there was no health or fire safety inspection from the local fire department. The School does not have a Policy and Procedure Manual to review.

4.4 Advance notice of Proposed Program/Facility Change 28.09 (5)(c)	<p>Prior to any substantial change to the program or physical plant, the private school provides written notification to the Department to obtain approval. The program must also provide written notification to the Department of any sudden and/or unexpected changes that may impact the overall health or safety of students and/or the delivery of services required by IEPs. Examples of changes include, but are not limited to:</p> <ol style="list-style-type: none"> a. Changes (e.g. increases or reductions) in services or staff including temporary staff shortages that alter the previously approved student/teacher (or student/childcare) ratios and/or affect the program or service delivery to students per their IEPs(if any changes occur in this area, the school <u>must submit an updated Master Staff Roster</u>); b. Building changes that affect the care of the students; c. Major changes in the population to be served; d. Any alteration of the service configuration of the program as last approved by the Department; and e. Significant changes in program policies or procedures.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of submitted documentation showed that there is no written policy for Advance Notice of

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

CRITERION NUMBER	Legal Standard
5.1 Student Admissions 28.09(11) 18.05(1) and (2)	<p>The private special education program may not enroll eligible students under the provisions of 603 CMR 28.00 unless approved to do so by the Department.</p> <p>The program develops and implements written admissions criteria, policies and procedures that include the following:</p> <ul style="list-style-type: none"> a. A written statement describing how copies of the school’s policies and procedures are provided to the student (if applicable), parents and the placing school district prior to admission of the student. b. A statement that admissions policies and procedures are to be made available to parents and students at any time upon request c. Documentation from a licensed physician of a complete physical examination of the student not more than twelve (12) months before admission <ul style="list-style-type: none"> o In the event of emergency placements, the school shall make provisions for a complete examination of the student within thirty (30) days of admission. d. A narrative description of the student admission interview process e. Consent forms (See criterion 15.5)
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of the Parent Handbook shows that, while some policies are contained, not all required admissions information is included, such as “a & b” above, and not all consent forms are available (See Criterion 15.5).

CRITERION NUMBER	
	Legal Standard
<p>5.2 Policies and Procedures for Coordination /Collaboration with Public School Districts & Contents for Coordination /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: 300.349 and 300.400-.401</p> <p>28.06(2-3) 28.07(5) 28.09(9)(c) &(d) 28.09(2)(b)7</p> <p>Federal Regulations: 300.349 and 300.400-401</p>	<p>The private special education program works collaboratively with the placing public school district to ensure that, to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, are provided access to the general education program and are given opportunities to return to a less restrictive educational program.</p> <p>A private school shall have policies and procedures that describe roles and responsibilities of the program and its staff as well as general communication and collaboration procedures that address the following:</p> <ol style="list-style-type: none"> a. Consideration of possible placement and admissions process; b. IEP development and implementation and roles in 3-year eligibility re-determinations; c. Contents of and general arrangements for executing contracts with placing school districts; d. Participation of the private or public school program as well as school district representatives at the Team and other key meetings, including reviewing/revising the IEP; e. Written progress reports; f. Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc. g. Administration of tests; h. Preparations for students returning 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. Granting of high school diplomas consistent with Department of Education requirements; and l. Conditions for issuance of certificates of attendance or program completion by a private school or educational collaborative. <p>NOTE: Please review federal regulations 300.349 and 300.400-401 before preparing this policy/procedure. Public school districts have the lead responsibility for convening the Team that makes the initial and subsequent (every 3 years) eligibility determinations, develops the IEP, and decides upon an appropriate placement. Private and educational collaborative programs, however, play a major role in determining whether a proposed placement in the program will meet a student’s needs. Private and educational collaborative programs have the responsibility of delivering services on the IEP, assessing and communicating progress, developing subsequent IEPs and planning for the student’s return to a less restrictive environment and/or for adult life.</p>

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

Department of Education Findings:

Review of student records, contracts, and interviews show that, although the School works collaboratively with sending Public School districts, there is no written policy which contains any of the topics required in this criterion.

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(s) is designated to communicate and work effectively with all public school districts that have placed students in the program.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the name of the staff coordinator and job description were not submitted, as required.

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT LEARNING TIME

CRITERION NUMBER	
	Legal Standard
6.1 Daily Instructional Hours 603 CMR 27.00	<p>Unless otherwise approved by the Department of Education, the private special education program provides an average annual minimum of the following instructional hours:</p> <ul style="list-style-type: none"> • Elementary: 5 hours per school day (except for kindergarten) • Secondary: 5 ½ hours per school day <p>The private special education program ensures that, unless a student’s IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the private special education program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of the documentation shows that, although the School is approved for three to eight year olds, there are not enough hours available in the scheduled daily instructional hours for the six to eight year olds to meet the requirements of student learning time.

CRITERION NUMBER	
	Legal Standard
6.1(a) Physical Education Requirements MGL	<p>The private special education program shall develop a curriculum to teach physical education as a required subject at all grade levels for all students for the purpose of promoting the physical well being of students.</p> <p>Both physical education and health education classes are to be considered part of the student’s structured learning time.</p>

CRITERION NUMBER	
	Legal Standard
Chapter 71, Section 3	
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that there is no written plan to provide physical education to the enrolled students.

CRITERION NUMBER	
	Legal Standard
6.2 School-to-Work 603 CMR 27.02, 27.04	Where the private special education program counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:

Early Beginning Center does not have a school-to-work program, since the student range extends to eight years old.

CRITERION NUMBER	
	Legal Standard
6.3 Kindergarten	Where the private special education program sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If two sessions of kindergarten per day are scheduled, it ensures equal instructional time for all kindergarten students.

CRITERION NUMBER	
	Legal Standard
603 CMR 27.03(5)	
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
6.4 School Days per Year 28.09(9)	<p>The private special education program is conducted for the following days (exclusive of weekends, holidays, vacations):</p> <ul style="list-style-type: none"> • 10 month program - 180 days • 11 month program – 198 days • 12 month program – 216 days <p>Before the beginning of each school year, the private special education program sets a school year schedule for each program. This schedule must include at least five additional school days to account for unforeseen circumstances (i.e. snowstorms).</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Early Beginning did not submit a school calendar that includes five additional days for unforeseen emergency circumstances.

CRITERION NUMBER	
	Legal Standard
6.5 Early Release of High School Seniors 603 CMR 27.05	<p>When a private special education program schedules the early release at the end of the year of the senior class of a high school, it does so in accordance with a written policy that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors’ school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p>

CRITERION NUMBER	
	Legal Standard
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:
Early Beginning does not have senior-grade students.

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

CRITERION NUMBER	
	Legal Standard
7.1 Curriculum Frameworks 28.09(9)(b)	<p>The program’s personnel shall reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum.</p> <p>The program has taken steps to provide all students with essential learning opportunities that prepare the students to reach the state graduation standards.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
Interviews show that not all staff have a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance. Early Beginning Center does not have a comprehensive curriculum which addresses all academic areas to meet the needs of the students.

CRITERION NUMBER	
	Legal Standard
7.2 Staff Training 28.09 (9)(b)	The program shall ensure that all staff including non-professional staff have an understanding and knowledge of the general curriculum expectations and learning standards of the Massachusetts Curriculum Frameworks and shall incorporate such knowledge into the school's educational program.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Interviews show that not all staff have a full understanding of the Massachusetts Curriculum Frameworks.

CRITERION NUMBER	
	Legal Standard
7.3 State/District Wide Assessments 28.09(9)(d)	The program has a written procedure outlining how the school will ensure that <u>all</u> enrolled students participate in state and/or district wide assessments in accordance with the assessment participation information provided on the student's IEP. Such procedures shall include how the approved program will provide for MCAS testing accommodations and/or administration of alternate assessments as determined by each student's Team.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation shows that the program does not have a written procedure outlining how the School will ensure that all enrolled eight year old students participate in state and/or district wide assessments.

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

CRITERION NUMBER	
	Legal Standard
8.1 Implementation- Educational Services 28.04 and 28.09(8) 34 CFR 300.26	<p>The program 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 requirements of the Massachusetts Curriculum Frameworks; b. Self-help, daily living skills c. Social/emotional needs d. Physical education; adapted physical education e. Pre-vocational, vocational, and career education f. Other: any other specialized educational service(s) provided by the program
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The School did not submit documentation addressing the implementation of educational services.

CRITERION NUMBER	
	Legal Standard
8.2 Implementation- Related Services 28.04 and 28.09(8) 34 CFR 300.24	<p>Related services are defined in the federal regulations as those services that are developmental and corrective as well as supportive services that <u>assist a child to benefit from</u> special education and/or access the general curriculum.</p> <p>The program specifies how each of the following related services is or will be provided for the described student population of the school whose IEPs indicate such services:</p> <ul style="list-style-type: none"> a. Transportation b. Braille needs (blind/visually impaired) c. Assistive technology devices/services d. Communication needs (all students including deaf/hard of hearing students)

CRITERION NUMBER	
	Legal Standard
	<ul style="list-style-type: none"> e. Language needs (Limited English Proficient students) f. Physical therapy g. Occupational therapy h. Recreation services i. Mobility/orientation training j. Psychological services, counseling services, rehabilitation counseling services, social work services k. Parent counseling and training l. School health services, medical services m. Other (e.g., music therapy, sensory integration therapy)
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The School did not submit documentation addressing the implementation of related services.

CRITERION NUMBER	
	Legal Standard
8.3 Implementation- Supplementary Aids/Services 34 CFR 300.28	<p>Supplementary aids and services are defined as “those aids and services – which are not ‘specially designed instruction or related services’ – which enable eligible students to be educated to the maximum extent possible with non-disabled students.”</p> <p>The program provides examples (through a list or narrative) of the kinds of supplementary aids and services that are available for students in the program. These may include aids and services that would typically be available in a less restrictive setting, and their availability would be helpful when the student is able to be placed in a less restrictive placement (e.g. adapted text, enlarged print, graph paper, peer tutor, etc.).</p>
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

The School did not provide examples (through a list or narrative) of the kinds of supplementary aids and services that are available for students in the program.

CRITERION NUMBER	
	Legal Standard
8.5 Current IEP & Student Roster 28.09	The program 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), legal guardian (or student, when applicable).
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the list of currently enrolled students contains expired and unsigned IEPs.

CRITERION NUMBER	
	Legal Standard
8.6 Educational Case Manager 28.09	The program shall assign an educational case manager to each student.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.7 IEP Implementation 28.09	The program shall implement all services on the students' IEPs.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of student records and interviews show that Early Beginning Center does not implement speech and language services, as specified on students' IEPs.

CRITERION NUMBER	
	Legal Standard
<p>8.8 IEP – Progress Reports 28.07(3)</p> <p>20 U.S.C. Chapter 33, Section 1414(d)(1)(A) (viii)</p> <p>IDEA Regulations: 300.347</p>	<p>The program shall send copies, at least quarterly, of progress reports to the parents and public school (if student is in a collaborative or private placement).</p> <p>Such reports must include written information on the student’s progress toward the annual goals in the IEP (specifying each quarter), including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.</p> <p>Copies of progress reports shall be maintained in student records, <u>including documentation of persons or agencies receiving such reports.</u></p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of student records and interviews show that progress reports are inconsistently issued, that they are not specific to all IEP goals, and there is no record of to whom they are sent. There are, however, written assessments of students in the files.

CRITERION NUMBER	TOPIC
	Legal Standard
<p>8.9 IEP – Revisions & Changes 34 CFR 300</p>	<p>The program notifies the responsible 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.</p> <p>In no case shall the private school or educational collaborative provide notice of a Team meeting required by state and federal special education requirements. In no case shall the private school or educational collaborative conduct a Team meeting without the authorization and presence of an administrative representative of the responsible school district. In no case shall the private school or collaborative issue a new or revised IEP for a student.</p>

CRITERION NUMBER	TOPIC
	Legal Standard
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Interviews revealed that the School is revising IEPs without convening a Team meeting, as well as writing and issuing IEPs to the parents for consent, then to LEAs. The LEA is responsible for convening a Team meeting, as well as writing and issuing IEPs to the parents for consent.

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

Department of Education Findings:

Review of documentation showed that there is no written plan or policy to address less restrictive placements.

CRITERION NUMBER	TOPIC
	Legal Standard
8.11 IEP- Transition Planning 34 CFR 300.347(b)(1) 34 CFR 300.347(b)(2)	No later than when a student is 15 years old, the program works with the responsible school district to discuss a student's transition needs at the IEP Team meeting. If appropriate, the Team considers and writes specially designed, measurable goals based on age-appropriate transition assessments related to training, postsecondary education, employment, and, where appropriate, to independent living skills. If transition services are included in the IEP, they are based upon the student's needs,

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

CRITERION NUMBER	
	Legal Standard
9.1 Policies and Procedures 18.05 (5)	The program 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: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the School has not developed a comprehensive set of policies and procedures dealing with discipline and behavior management.

CRITERION NUMBER	
	Legal Standard
9.2 Discipline Code	The private special education program develops and implements a student discipline code of conduct.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the School has not developed a student discipline code of conduct.

CRITERION NUMBER	
	Legal Standard
9.3 Runaway Students 18.03 (10)	<p>The program shall have a written policy, including a definition of runaways, appropriate for the school population and location, as well as procedures for handling students who run away.</p> <p>These policies must be approved by the Department of Education.</p> <p>The school must notify the Department, the local school district and/or other involved agencies and parents immediately whenever any student runs away.</p>
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings:

Review of documentation showed that the School has a policy which addresses required notification procedures.

CRITERION NUMBER	
	Legal Standard
9.4 Restraints 18.05 (5) 603 CMR 46.00	<p>A private <u>day</u> educational program must develop a policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.</p> <p>A residential educational program and any day educational program operated by a residential program must comply with the OCCS restraint requirements contained in 102 CMR 3.00 for all students enrolled in such program.</p> <p>A private school educational program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p>9.5 3-5 Day Suspensions 18.05(6)</p>	<p>Upon admission of a student, the private special education program shall provide a written policy on suspensions to the parents and to the school district and human service agency that placed the student. Such policy shall also contain the following information:</p> <ul style="list-style-type: none"> a. Whenever a student is suspended, the school shall immediately notify the parents and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement explaining the reasons for suspension to the parents and public school district. b. No student may be suspended and sent home unless a responsible adult is available to receive the student. c. Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program. d. Procedures must be in place to record and track the number and duration of suspensions, including suspensions from any part of the student's IEP program (including transportation). <p>NOTE: Sending a student home "early" is considered a suspension if the student's IEP does not allow for the modification of learning time requirements of the Board of Education.</p>
	<p>Rating: Not Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of documentation showed that the School does not have a policy to address 3-5 day suspensions.

CRITERION NUMBER	
	Legal Standard
<p>9.6 Suspensions Joint</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>

CRITERION NUMBER	
	Legal Standard
responsibilities of the public/private school and the responsible school district Federal Requirements: 34 CFR 300.519-.529	<ul style="list-style-type: none"> a. A request is made of the student's responsible school district to convene an IEP Team meeting, which includes representation from the private school, prior to a suspension that constitutes a change in placement of a student with disabilities; b. The private school participates in the Team meeting: <ul style="list-style-type: none"> o To develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan; o To identify appropriate alternative educational setting(s); and c. To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior). [To do this, the Team asks questions including: Is the IEP appropriate? Is the placement appropriate? If there was a behavior plan, was it implemented? Does the student understand the impact and consequences of his/her behavior? Can the student control his/her behavior?]. d. If the Team determines that the behavior is <u>NOT</u> a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student with disabilities that may be in some other setting. e. If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the placing district, in coordination with the private school, takes steps (with the consent of the parent) to modify the IEP, the behavior intervention plan, and/or the placement.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the School does not have a policy to address suspensions which exceed 10 school days.

CRITERION NUMBER	
	Legal Standard
9.7 Terminations 28.09(12) 18.05(7)	<p>The private special education program shall 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>The program develops a written termination policy that includes, but is not limited to, the following:</p>

CRITERION NUMBER	
	Legal Standard
	<p>a. At the request of the public school district, the program shall delay 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.</p> <p>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.</p> <p>c. For <u>planned</u> terminations, the private special education program shall notify 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.</p> <p>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 shall follow the procedures required under 603 CMR 28.09(12)(b) and immediately notify the Department of Education.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the written policy for both planned and emergency terminations is unclear.

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

CRITERION NUMBER	
	Legal Standard
10.1	Unless otherwise approved by the Department of Education, the private special

CRITERION NUMBER	
	Legal Standard
Student: Teacher Ratios 28.06(6)(d)& (g) 28.09(7)(e)	education program ensures that instructional groupings do not exceed: <ul style="list-style-type: none"> • 8 students to one certified teacher without an aide • 12 students to one certified teacher with an aide
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.2 Age Range 28.06(6)(f)	The program shall ensure that the ages of the youngest and oldest child in any instructional grouping shall not differ by more than forty-eight months (4 years).
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.3 Programs for Young Children 28.09(7)(e) 28.06(7)	The program shall ensure 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: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.4 Student: Child Care Ratios 28.09(7) 18.01(2)	The program has a student to childcare worker ratio of: <ul style="list-style-type: none"> • Not lower than 4:1 nor greater than 6:1 during non- “school day” waking hours • Not lower than 6:1 nor greater than 8:1 during sleeping hours
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:

The School is a day program and does not employ child care workers.

CRITERION NUMBER	
	Legal Standard
10.5 Alternative Ratios 18.03(2)	Where applicable, the private special education program shall submit a justification for alternative ratios for student to childcare workers, and the Department shall approve or disapprove these at its discretion.
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:

The School has not requested an alternative ratio.

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

CRITERION NUMBER	
	Legal Standard
11.1 Personnel Policies 28.09(7) 28.09(11)(a) 18.05(11)	<p>The private special education program shall develop written personnel policies and procedures that describe:</p> <ul 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. Consistent with state law effective on February 25, 2003, procedures for accessing, considering and acting upon Criminal Offender Record Information (CORI), for current and prospective employees, volunteers, school transportation providers and others who may have direct and unmonitored contact with students. <ul style="list-style-type: none"> o [NOTE: For applicants or employees who reside outside of Massachusetts, 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.]
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.2	<p>The private special education program shall designate one person who will have administrative responsibility over the operation of the school. Schools with more than 40 professional licensed staff may have one (or more) assistant</p>

CRITERION NUMBER	
	Legal Standard
Administrative Responsibility 18.05(11)(a)	administrator(s) provided the Department approves such positions.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.3 Educational Administrator Qualifications 28.09(7)(a) 603 CMR 44.00 and 44.04	<p>The program shall designate an educational administrator to supervise the provision of special education services in the school and to ensure that the services specified in each student’s IEP are delivered. The educational administrator either shall have licensure as a special education administrator or all of the following:</p> <ul style="list-style-type: none"> • A current license as a special educator; • A minimum of a master's degree in special education or a related field; and • A minimum of one year of administrative experience. <p>The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.</p> <p>The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04.</p>
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Early Beginning does not have a qualified educational administrator, on site, to supervise the provision of special education services in the School.

CRITERION NUMBER	
	Legal Standard
11.5 Related Services Staff 28.09(7)(d)	All staff providing or supervising the provision of related services shall be appropriately certified, licensed or registered by their respective state boards or professional associations and the Department of Education, when appropriate.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.6 Master Staff Roster 28.09(7)	<p>The private special education program maintains a master list of ALL staff for <u>every</u> position within the program. This list must include job titles along with their corresponding UFR title numbers <u>for private programs</u>, staff qualifications, and full-time equivalents (FTE's) for public and private programs. This list may include, but is not limited to:</p> <ul style="list-style-type: none"> • Administrators <ul style="list-style-type: none"> ▪ Special education teachers ▪ General education teachers ▪ Related services professional staff ▪ Registered Nurse ▪ Direct (child) care workers ▪ Direct (child) care supervisors ▪ Clerical and maintenance staff ▪ Psychologist ▪ Social worker ▪ Food service staff ▪ Consultants
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.7 Job Descriptions 18.05(11)(d)	The public/private special education program has written job descriptions for all staff positions that shall be made available to staff as well as parents, if requested.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Early Beginning Center did not submit comprehensive written job descriptions for all staff positions.

CRITERION NUMBER	
	Legal Standard
11.8 Salary Ranges 18.05(11)(e)	The program shall establish in writing a salary range including benefits covering all positions and shall inform each employee of the same for his/her position.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Early Beginning Center did not submit written salary ranges.

CRITERION NUMBER	
	Legal Standard
11.9 Organization al Structure 28.09(7) 28.07(c)	The program shall demonstrate 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 shall provide ongoing and regular supervision of all childcare workers by a professional staff person who has supervisory and administrative responsibility within the school.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.11 Supervision of Students 28.09(7) 18.03(1)	The program shall develop and implement a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any school-related activity on and off school grounds. This plan must include arrangements for individual and group recreational programs appropriate to the age, interests, and needs of each student with assigned staff as appropriate.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation shows that Early Beginning Center did not develop and implement a detailed plan that describes how appropriate supervision is provided to students.

CRITERION NUMBER	
	Legal Standard
11.12 Accessibility of	Extracurricular activities sponsored by the private special education program are

<p>Extracurricular Activities</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 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</p>	<p>nondiscriminatory in that:</p> <ul style="list-style-type: none"> • The school provides equal opportunity for all students to participate in intramural and interscholastic sports • Extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation, disability, or homelessness
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

<p>CRITERION NUMBER</p>	
	<p>Legal Standard</p>
<p>11.13 Plan for Staff Coverage 18.03(1)(b)4</p>	<p>Each program must provide 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.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of documentation shows that, while Early Beginning Center did provide a written description of how the School will provide childcare and/or overall staff coverage, it is not consistently being implemented and staff are unaware of the plan for staff coverage.

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 may not be assigned direct care duties with students until they have participated in all mandated training through their orientation program.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation shows that Early Beginning Center has not developed a written plan for staff orientation. Interviews indicate that new staff have been assigned direct care duties with students without participating in all mandated trainings.

CRITERION NUMBER	
	Legal Standard
12.2 Annual In- Service Training Plan and Calendar	<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 <u>all</u> staff including non-professional staff (child care workers/direct care staff on all shifts). Staff input on training needs is elicited and considered.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be offered</p>

CRITERION NUMBER	
	Legal Standard
<p>28.09(7)(f) 18.05(11)(h)</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, s. 5; 603 CMR 26.00, esp. 26.07(2), (3)</p>	<p>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; b. Emergency first aid training by a certified instructor and, where specifically required by the Department of Education, certification in CPR; c. Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects); d. Runaway policy; e. Transportation safety (if applicable); f. Student record policies and confidentiality issues; g. Evacuation policies and emergency procedures including, but not limited to, utilization of the alarm system, evacuations in instances of fire or natural disaster; h. Behavior management policies and procedures used by the program such as positive reinforcement, point/level systems, token economies, time-out procedures; i. Restraint procedures including de-escalation methods used by the program; j. Curriculum alignment with the Massachusetts Curriculum Frameworks; k. Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and l. Civil rights responsibilities.
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of personnel records show that not all staff attend all mandated trainings, specifically "d, j, k, and l" above.

CRITERION NUMBER	
	Legal Standard
<p>12.2 (a) Details Behavior Management</p>	<p>Training on 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

CRITERION NUMBER	
	Legal Standard
and Restraint Training 28.09(11) 18.05(5)	<ul style="list-style-type: none"> 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 * 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>*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 regarding 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 program approved by the Department of Education where such program does not hold the approval of the Department of Education as a residential school.)</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation shows that training does not include "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, and "g" - Procedures for obtaining parental consent.

CRITERION NUMBER	
	Legal Standard
12.2 (b) Child Abuse Reporting 18.05(9)(j)	The program has written procedures and staff training for the reporting of suspected child/student abuse or neglect to the Department of Social Services (MGL c.119, s. 51A) and the Disabled Persons Protection Commission (MGL c. 19C). Such procedures include notification to the Department of Education when a report is filed against the program or its employee(s).
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation shows that there are no written procedures to address the reporting of suspected child/student abuse or neglect.

CRITERION NUMBER	
	Legal Standard
12.2(c) Details CPR Certification and Emergency First Aid Training 18.05(9)(e)	The program shall develop 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: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation shows that there are no written policies and procedures to address annual basic/emergency first aid training and CPR certification.

CRITERION NUMBER	
	Legal Standard
12.2(d) Details Medication Training 18.05(9)(f)(3) (c)	Training by a physician or registered nurse shall be given to all staff who provide care and instruction to students receiving medication. The training shall include the nature of a medication, potential side effects and any special precautions or requirements. (Note: See requirements for health care manual, which must include policies and procedures on medication administration.)
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(e) Student Record Training 28.09(10)	The private special education program shall train staff to keep current and complete files for each publicly funded enrolled student and shall train staff to manage such files consistent with the Massachusetts Student Record Regulations (603 CMR 23.00) and MGL c.71, s.34H.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(f) Emergency Procedures Training 18.05(10)	<p>All staff shall be trained relative to emergency procedures, evacuation policies and procedures and in the use of the alarm system and equipment such as fire extinguishers.</p> <p>The program shall conduct at least two evacuation drills per shift at each location annually (including all day programs, and residences in the evening and overnight) to ensure that all students are able to leave the building safely. In addition, the program shall:</p> <ol style="list-style-type: none"> a. Help all students to understand the nature of the drills b. Make special provisions for the evacuation of any mobility-impaired student in the facility c. Keep a written log of each evacuation drill which includes date, time elapsed, participants (students and staff), witnesses, etc.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(g) Interns and Volunteers Training 18.05(11)(i)	If applicable, the training plan includes provisions for the orientation, training and supervision of interns, volunteers or others who work at the program.

CRITERION NUMBER	
	Legal Standard
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:
Early Beginning does not utilize interns or volunteers.

CRITERION NUMBER	
	Legal Standard
12.2(h) Child Care Staff Development and Training 18.03(3)	The private special education program shall develop and implement with staff input a detailed written plan for staff development and in-service training of all childcare workers.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:
Review of documentation shows that the School does not have a detailed written plan for staff development and in-service training of all staff.

CRITERION NUMBER	
	Legal Standard
12.2 (i) Staff Evaluations 18.05(11)(c)1.	Written performance evaluations shall be scheduled and maintained for all staff as outlined in the program’s Personnel Policy and Procedures Manual.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of personnel records shows that Early Beginning Center does not consistently issue annual written performance evaluations, as written in the School policy. The Director has had no written evaluations.

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS

CRITERION NUMBER	
	Legal Standard
13.1 Educational Facilities and Materials 28.09(8)	The private special education program shall provide the facilities, textbooks, equipment, technology, materials and supplies needed to provide the special education and related services specified on the IEP's of enrolled students. If specialized materials or equipment are needed solely for an individual student, the program may enter into an agreement for the provision of such materials or equipment by the school district enrolling the student.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
13.2 Description of Physical Facility 28.09 (8) 18.04	A narrative description and floor plans of <u>all</u> buildings for each school and/or program (including residences) are provided, including number of floors, room numbers, types and sizes of rooms (i.e. classrooms, time-out rooms, counseling-therapy rooms, tutorial rooms, physical education facilities and other specialized service delivery spaces for school buildings, bedrooms, bathrooms, kitchen area, dining area, and living areas for residences).
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings:

Review of documentation shows that Early Beginning Center has submitted a narrative description and floor plan as required.

CRITERION NUMBER	
	Legal Standard
104.21,104.22 ; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114	
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
13.5 Kitchen, Dining, Bathing/ Toilet, and Living Areas 18.04(2),(3), (4),(5)	<p>The private special education program shall ensure that all kitchen, dining, bathing/toilet and living areas are of an adequate type, size and design appropriate to the ages and needs of the students. The program shall also:</p> <ul style="list-style-type: none"> a. Maintain areas which are clean, well ventilated and free from hazards; b. Provide students with equipment, supplies and materials (e.g. kitchen equipment, dining utensils, toilets, sinks, individual furniture and storage space) which are clean, safe and appropriate to the ages and needs of the students; c. Design all living areas to simulate the functional arrangements of a home and to encourage a personalized atmosphere for small groups of students, unless the school can justify that another arrangement is necessary to serve the particular needs of the students enrolled in the school; and d. Post a list of student food allergies in all appropriate areas of the residence.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 14: REQUIREMENTS FOR DAILY CARE

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

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

CRITERION NUMBER	
	Legal Standard
14.3 Toileting Procedures and Individual Plans	The private special education program shall develop and implement a written plan describing required procedures including regular toileting and diapering, disposal or laundering of soiled clothing or diapers and protecting the personal privacy of all students. Toilet training plans based on parental input, the IEP and the student's physical and

CRITERION NUMBER	
	Legal Standard
18.03(8)	emotional abilities.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Observation shows that Early Beginning Center does not protect the personal privacy of all students when diapering students in the open classroom.

AREA 15: PARENT AND STUDENT INVOLVEMENT

CRITERION NUMBER	
	Legal Standard
15.1 Parental Involvement and Parents' Advisory Group 18.05(4)(a)	<p>The private special education program shall have a written plan for involving parents and shall have a Parents' Advisory Group that shall advise the school on matters that pertain to the education, health and safety of the students in the program.</p> <p>The program shall designate a staff person to support the Parents' Advisory Group.</p>
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Documentation and interviews revealed that Early Beginning Center does not have a Parents' Advisory Group.

CRITERION NUMBER	
	Legal Standard
15.2 Orientation Procedures 28.09(11)	The school shall develop and implement orientation procedures for parents and students upon student admission to the program.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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)	When students have parents or guardians with limited English language skills, the private special education program ensures that general announcements and notices of extracurricular activities and other opportunities are distributed to them in the primary language of the home.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation and interviews showed that the School is not aware that general announcements and notices of extracurricular activities must be distributed to parents and guardians in the primary language of the home.

CRITERION NUMBER	
	Legal Standard
15.4 Change of Student's Legal Status 18.05(4)(b)	<p>The school shall have procedures 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.</p> <p>The school shall have written procedures for disseminating this information to appropriate personnel.</p>
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the School has no written procedures for assuring that it is informed by a parent or guardian of any changes in a student's legal status. The School has no written procedures for disseminating this information to appropriate personnel.

CRITERION NUMBER	
	Legal Standard
15.5 Parent Consent 28.07(1)(b)	<p>The program shall notify the placing school district when multiple efforts have been made, yet have failed to involve the parent and obtain necessary parental consent.</p> <p>Matters requiring annual parental consent include, but are not limited to, the following:</p> <ul style="list-style-type: none"> 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:

Review of student records and the parent handbook show that not all consents are being provided to parents, including “d” restraints, and “f” field trips. (See Criterion 5.1)

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

Department of Education Findings:

Students at Early Beginning Center are too young to participate in Team meetings.

CRITERION NUMBER	
	Legal Standard
15.7 Consent at Age Majority 28.07(5)	<p>One year prior to the student’s reaching age eighteen, the program works collaboratively with the responsible school district to ensure consent is obtained from the student to continue the special education program upon turning age eighteen, or to ensure that another mechanism is in place to obtain consent, i.e.:</p> <ul style="list-style-type: none"> • The parent or other legally eligible party has petitioned and been appointed guardian by a court of competent jurisdiction • The student chooses to share decision-making with his or her parent • The student chooses to delegate continued decision-making to his or her parent or other willing adult <p>(See also Criterion 15.3.)</p>
	Rating: Not Applicable RESPONSE REQUIRED: No

Department of Education Findings:

There are no students in the program who are old enough to reach the age of majority.

CRITERION NUMBER	
	Legal Standard
15.8 Registering Complaints 18.05(1)(b)16 Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107; NCLB: Title X, Part C, Sec. 722(g) (1)(J)(ii)	<p>The private special education program shall develop and make available to parents and students a set of written procedures that may be used to register complaints regarding the student’s education and care at the school.</p> <p>The private special education program must also adopt and publish grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation and interviews showed that there are written procedures to register complaints regarding the student’s education and care at the school. However, there was no name of a local coordinator or how to contact that person relating to employee complaints alleging discrimination based on sex or disability.

AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER	
	Legal Standard
16.1	The school shall have a comprehensive, written health care policies and procedures

CRITERION NUMBER	
	Legal Standard
Health care Policy and Procedure Manual 18.05(9)(d) 18.05(9)(c)	manual that clearly describes provisions made for medical, nursing and infirmary care of students. This manual must be approved by a licensed physician, include all applicable policies and procedures, and be made available to staff.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation showed that the School does not have a comprehensive, written health care policies and procedures manual that has been approved by a licensed physician.

CRITERION NUMBER	
	Legal Standard
16.2 Physician Consultation 18.05(9)(a)	The school shall secure the services of a licensed physician available for consultation.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of documentation and interviews show that there is no licensed physician available for consultation.

CRITERION NUMBER	
	Legal Standard
16.3 Nursing	The school shall secure the services of a registered nurse or a licensed practical nurse available as deemed necessary by the Department depending upon the health care

CRITERION NUMBER	
	Legal Standard
16.5 Administration of Medication 18.05(9)(f)	<p>The school has developed and implements written policies and procedures regarding the administration of medication including, but not limited to, the following:</p> <ul 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 prescription and administration 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. g. The school shall dispose of or return to the parents any unused medication. h. Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist. i. Provisions must be made for refrigeration of medications, when necessary. j. 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. k. A review of medications administered to a student shall be incorporated into all progress reviews conducted for the student.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of health care policies show that not all policies are included - "b,c,d,f,g" above, and not all policies contained all required elements - "a,e" above.

CRITERION NUMBER	
	Legal Standard
16.6 Administration of Antipsychotic Medication 18.05(9)(f)(9)	<p>The school shall 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 monitored by a physician. d. Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any. e. Except in an emergency, as defined in 18.05 (9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. If a student is in the custody of his/her parent(s), parental consent (in writing or in a witnessed conversation) is required. Parental consent may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought. f. In an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action and there is no less intrusive alternative to the medication. The treating physician must determine that medication is necessary to prevent the immediate substantial and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 18.05(9)(e). g. The school shall inform a student twelve years of age and older, consistent with the student's capacity to understand, about the treatment, risks and potential side effects of such medication. The

CRITERION NUMBER	
	Legal Standard
	school shall specify and follow procedures if the student refuses to consent to administration of the medication.
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

Review of health care policies shows that there is no written policy on the administration of antipsychotic medication.

CRITERION NUMBER	
	Legal Standard
16.7 Preventive Health care 18.05 (9)(f)(9)(h)	<p>The school shall develop and implement a written plan for the preventive health care of students that includes, but is not limited to the following:</p> <ul style="list-style-type: none"> a. Provisions for each student to receive an annual comprehensive medical and dental examination; b. Vision, hearing, postural and other required screenings conducted in accordance with M.G.L. c.71 s.57; c. Provisions ensuring that all students are immunized as required by the Department of Public Health; d. Procedures for communicable disease notification and prevention of students and staff; e. A student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school; the school shall notify all parents and referring agencies of the reported communicable disease within the school. f. Provision of a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students; g. Medications and medical supplies are not locked in the same cabinet as other toxic substances. Toxic substances are labeled with contents and antidote and the phone number for the nearest poison center is posted clearly. h. Provisions of family planning information, subject to any applicable state or federal legislation; and i. Procedures for protecting students from exposure to foods, chemicals, or other materials to which they are allergic.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings:

AREA 18: STUDENT RECORDS

CRITERION NUMBER	
	Legal Standard
18.1 Student Records 28.09(10)	Approved special education schools shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall maintain 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
18.2 Student Records (Log of access and face sheet information) 28.09(10)	<p>Student records shall be legibly dated and signed by persons making entries. Individual access logs shall be maintained for each record. All records must contain:</p> <ol style="list-style-type: none"> a. Log of access consistent with requirements of the Massachusetts Student Record Regulations b. Face sheets updated at least annually with the following information: <ul style="list-style-type: none"> o Name o Date of birth o Recent picture o Date of admission to private school o Name of educational case manager assigned by the public/private school program o Location of residential service within facility (if applicable), and name of residential case manager or supervisor o Date initially eligible for special education (if known) o Date of most recent special education evaluation(s) o Date of next expected 3-year reevaluation

CRITERION NUMBER	
	Legal Standard
	<ul style="list-style-type: none"> ○ 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, home & work 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 the student regarding the handling of medical emergencies <p>c. Copy of current 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</p> <p>j. Copies of all incident reports</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings:

Review of student records shows that IEP dates are not included on the face sheets, and the records are missing criteria "c, d, e, g, h, and j"

PRIVATE SCHOOL PROGRAM REVIEW REPORT 2006.doc

File Name: Early Beginning Center Draft Program Review

Last Revised on: June 28, 2006

Prepared by: ESH, NMM