



**Catholic Charities -
Mercy Centre**

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

Dates of Onsite Visit: April 2 – 5, 2007

Date of Draft Report: April 23, 2007

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Date of Final Report: June 11, 2007

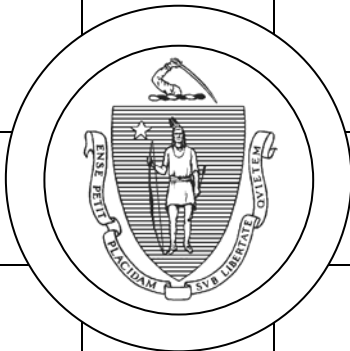
Action Plan Due: July 20, 2007

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**MASSACHUSETTS DEPARTMENT OF EDUCATION
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW
Catholic Charities - Mercy Centre
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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 M.G.L. 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 2006-2007 review cycle were notified in October 2006 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 2006-2007 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 are examined first by the school's staff and then verified by the onsite team using standard Department student record review procedures in order to make determinations regarding the implementation of procedural and programmatic requirements. Parents of students whose files were selected for the record review are provided an opportunity to be interviewed by telephone.
- Observation of classrooms and other facilities: Instructional classrooms and school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program requirements.

Response: A detailed report of findings describes determinations about the implementation status of each requirement (criterion) reviewed. Included in the findings are commendations for those criteria that have been implemented in an exceptional manner. Where criteria are 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 three-member Massachusetts Department of Education team visited Mercy Centre during the week of April 2, 2007 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), M.G.L. 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 highlight 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 Mercy Centre. These features are as follows:

The educational case manager system ensures that IEPs are appropriately implemented and that progress reports are timely and comprehensive. Assistive technology services help to meet some very challenging needs of the students. There are many opportunities for parental involvement, including scheduled parent meetings, family activities, and fund-raising events. Job skills are individually assessed, and motivating school and community placements are found in school-to-work transition services. The school conducts an annual program assessment to evaluate on-going programs.

Some of the highlights noted above are repeated within the body of the Department’s report under the appropriate compliance criteria.

The Department is submitting the following Private School Program Review Report containing findings made pursuant to this onsite visit. In preparing this report the team reviewed extensive documentation regarding the operation of the school's programs, together with information gathered by means of the following Department program review methods:

- Interviews of four (4) administrative staff.
- Interviews of four (4) clinical staff.
- Interviews of four (4) teaching and educational support services staff.
- Interviews of three (3) childcare staff.
- Interviews of three (3) Parent Group members who are parents of Massachusetts students enrolled in the school.
- Student record review: A sample of ten (10) 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.
- Personnel record review: A sample of sixteen (16) personnel records was selected by the Department. Personnel records were first examined by the school’s staff and then verified by the onsite team using standard Department of Education personnel record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.

- Observation of classrooms and other facilities: All instructional classrooms 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.

Mercy Centre

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
RECEIVING A COMMENDABLE RATING
FROM THE DEPARTMENT OF EDUCATION**

| |
|----------------|
| 8.2, 8.6, 15.1 |
|----------------|

**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 | | | |
| Area 2: Administration -- Legal And Financial Documentation | 2.2 | | |
| Area 3: Administration -- Manuals And Handbooks | 3.1, 3.1a, 3.2 | | |
| Area 4: Disclosure Of Information | | | |
| Area 5: Admissions Procedures And Coordination/Collaboration With School Districts | 5.1 | | |
| Area 6: Educational Program Requirements -- Student Learning Time | 6.1a | | |
| Area 7: Educational Program Requirements -- Curriculum Frameworks And State Assessments | 7.2 | | |
| Area 8: Educational Program Requirements -- Individualized Education Programs | 8.7 | | |

| PROGRAM AREA | PARTIALLY IMPLEMENTED | NOT IMPLEMENTED | OTHER CRITERIA REQUIRING RESPONSE |
|---|---------------------------------|------------------------|--|
| Area 9: Educational Program Requirements -- Student Discipline And Behavior Management | 9.1, 9.3 | | |
| Area 10: Educational Staffing Requirements -- Student:Teacher And Student:Child-Care Worker Ratios | 10.2 | | |
| Area 11: Educational Staffing Requirements -- Personnel Policies, Qualifications, Responsibilities | 11.1, 11.4, 11.13 | | |
| Area 12: Educational Staffing Requirements -- Staff Training | 12.1, 12.2, 12.2a, 12.2b, 12.2i | | 12.2g |
| Area 13: Physical Facility And Equipment Requirements | 13.8 | | |
| Area 14: Requirements For Daily Care | 14.3 | | |
| Area 15: Parent And Student Involvement | 15.2, 15.8 | | |
| Area 16: Health And Medical Services | 16.1, 16.4, 16.5, 16.6, 16.7 | | |
| Area 17: Transportation Safety | 17.1 | | |
| Area 18: Student Records | | | |

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE or NOT RATED” 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 or Not Rated | 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: Implemented RESPONSE REQUIRED: No |

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION

| CRITERION NUMBER | |
|--|---|
| | Legal Standard |
| 2.1 Legal Status 28.09(2)(b)4 | The program provides a description of its legal status including names of individuals and principal parties with ownership, oversight, and key administrative responsibilities. The program maintains complete documentation on ownership, governance, management, mission, and mechanisms for service delivery. |
| | Rating: Implemented RESPONSE REQUIRED: No |

| CRITERION NUMBER | |
|---|---|
| | Legal Standard |
| <p>2.2 Approvals, Licenses, Certificates of Inspection</p> <p>28.09(2)(b)4-5</p> <p>28.09(5)</p> <p>28.09(6)</p> <p>18.04(1)</p> | <p>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 M.G.L. c. 76, s. 1); g. Approval by EEC 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. <p>*A program with a residential component may submit the most recent EEC license to fulfill those requirements marked with an asterisk (*).</p> |
| | <p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p> |

Department of Education Findings:

Review of documentation indicates that the asbestos abatement plan was not submitted.

| CRITERION NUMBER | |
|-------------------------------|--|
| | Legal Standard |
| <p>2.3 EEC License</p> | <p>The program has a current, full license from Department of Early Education and Care (EEC (per 102 CMR 3.00) to operate as a residential school.</p> |

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|-----------------------------|--|
| CRITERION NUMBER | |
| | Legal Standard |
| (NA to <u>Day Schools</u>) | |
| | Rating: Not Applicable RESPONSE REQUIRED: No |

Department of Education Findings:
Mercy Centre is approved as a day program.

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| 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 |

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| 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 |

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS

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|--|---|
| 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: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of documentation shows that there is not a school policies and procedures manual containing all required policies.

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|-------------------------|--|
| CRITERION NUMBER | |
| | Legal Standard |
| 3.1(a) Contents | <p>The program’s manual must contain policies and procedures in all subject areas listed in the appendix at the back of this application.</p> <p>These policies and procedures include, but are not limited to:</p> <ul style="list-style-type: none"> a. Advanced notice of proposed program/facility change b. Student admissions c. Child abuse/neglect d. Discipline policies and procedures e. Suspension and termination f. Student discipline and behavior management g. Physical restraint h. Student runaway i. Notification of serious incidents (Form 2) j. Coordination and collaboration with school districts k. IEP- revisions and changes l. IEP- transition planning m. IEP- transition services n. State and district-wide assessments o. Progress reports p. Least restrictive placements |

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|-------------------------|---|
| CRITERION NUMBER | |
| | Legal Standard |
| | <ul style="list-style-type: none"> q. Evacuation and emergency procedures r. Parent involvement s. Orientation for new parents and students t. Change of student’s legal status u. Obtaining parental consent v. Student involvement w. Registering complaints- parents and students x. Student protections y. Supervision of students z. Student records aa. New staff orientation and annual in-service training bb. Student transportation and transportation safety cc. Research, experimentation, fund raising, publicity, and observation <p>Appendix with all signed and dated Assurances sent to the Department in connection with this application.</p> |
| | Rating: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of policies indicates that there are not written policies for orientation for new parents and students, s above.

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| CRITERION NUMBER | |
| | Legal Standard |
| 3.1(b) Private School Employment Practices Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. | <p>Employment practices in private special education programs in general are free from discrimination on the basis of race, color, national origin, sex or disability. In particular, faculty salary scales are based on the conditions and responsibilities of employment without regard to race, color, national origin, sex or disability, and employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114 | |
| | Rating: Implemented RESPONSE REQUIRED: No |

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|--|--|
| 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:

Review of documentation indicates that there are several required policies which are not included in the Health Care Manual, such as a, b, c, d, and g above.

| CRITERION NUMBER | |
|--|---|
| | Legal Standard |
| <p>3.3 Special Education Regulations and Reference Materials</p> <p>State: 603 CMR 28.00 Federal: 34 CFR 300.300-.577 and Appendix A</p> | <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> <p>This compilation of materials must contain at least the following 5 documents:</p> <ul 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) |
| | <p>Rating: Implemented RESPONSE REQUIRED: No</p> |

AREA 4: DISCLOSURE OF INFORMATION

| CRITERION NUMBER | |
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| | Legal Standard |
| 4.1 | 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| Aspects of program, staff credentials and student records 28.09 (5)(a) | of its staff and the individual records of enrolled Massachusetts students. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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|--|--|
| 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| 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: Implemented RESPONSE REQUIRED: No |

| | |
|--|--|
| CRITERION NUMBER | |
| | Legal Standard |
| 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 |

Department of Education Findings:

Review of documentation indicates that there are no written criteria for a and d above. There is no written statement describing how copies of all school policies and procedures are provided to the student (if applicable), parents and the placing school district prior to admission of the student. There is also no narrative description of the student admission interview process.

| 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</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> <ul 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</p> |

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|---|--|
| CRITERION NUMBER | |
| | Legal Standard |
| Regulations: 300.349 and 300.400-401 | 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. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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|---|--|
| 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: Implemented RESPONSE REQUIRED: No |

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

Department of Education Findings:

Review of documentation and interviews show that there is not a licensed teacher conducting physical education classes.

| | |
|--|--|
| 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: Implemented RESPONSE REQUIRED: No |

| | |
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| CRITERION NUMBER | |
| | Legal Standard |
| 6.3 Kindergarten 603 CMR 27.03(5) | 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. |
| | Rating: Not Applicable RESPONSE REQUIRED: No |

Department of Education Findings:

Mercy Centre does not have a kindergarten program.

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| 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: Implemented RESPONSE REQUIRED: No |

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| 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> |
| | Rating: Not Applicable RESPONSE REQUIRED: No |

Department of Education Findings:
Mercy Centre does not release senior students early.

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

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION PROGRAMS

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| 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. English language support (for limited English proficient students) g. Other: any other specialized educational service(s) provided by the program |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| | 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.). |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 8.4 Program Modifications and Support Services for Limited English Proficient Students TITLE VI: 42 U.S.C. 2000D; 34 CFR 100.3(A),(B); EEOA: 20 U.S.C. 1703(F); M.G.L. C. 71, S. 38Q1/2; 603 CMR 28.03(3)(A); M.G.L. C. 71A, SS. 2(E), 4; 603 CMR 14.04; M.G.L. C. 76, S. 5; 603 | <p>The private special education program implements necessary program modifications and support services to serve effectively limited English proficient (LEP) students who need special language assistance. Such program modifications and support services:</p> <ul style="list-style-type: none"> a. Are based on sound education theory; b. Provide for English-language development; c. Provide for meaningful participation of LEP students in the school's educational program; d. Are evaluated and appropriately revised in an ongoing manner; and e. Are demonstrably useful in assisting students receiving such program modifications and services to gain English language proficiency. |

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| CRITERION NUMBER | |
| | Legal Standard |
| CMR 26.03 | |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| 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: Implemented RESPONSE REQUIRED: No |

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

Department of Education Findings:

Review of documentation and interviews show that the educational case manager system ensures appropriate IEP draft development and IEP implementation, as well as detailed and timely progress reports and on-going parent contact.

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| 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 documentation and interviews show that students who have adapted physical education identified on their IEPs are not currently receiving this service. See Criterion 6.1a

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| CRITERION NUMBER | |
| | Legal Standard |
| 8.8 IEP – Progress Reports 28.07(3) 20 U.S.C. Chapter 33, Section 1414(d)(1)(A) (viii) IDEA Regulations: 300.347 | <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> |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 34 CFR 300.347(b)(2) | 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, taking into account the student's preferences and interests, and may include employment or other post-school adult living objectives, and the acquisition of daily living skills and functional vocational evaluation. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 8.12 IEP – Transition Services 28.05(4)(c) | <p>For students approaching graduation or the age of twenty-two, the private school's participant on the IEP Team will provide sufficient information to the Team to enable the Team to determine whether the student is likely to require continuing services from adult human service agencies.</p> <p>The private or public school may make the referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services (at least two years prior to the student's 22nd birthday) in accordance with the requirements of MGL c.71, §12-A-§12C (known as Chapter 688).</p> |
| | Rating: Implemented RESPONSE REQUIRED: No |

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

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| 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:

Interviews indicate that staff do not have a consistent understanding of the school's policies and procedures dealing with discipline and behavior management.

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| CRITERION NUMBER | |
| | Legal Standard |
| 9.2 Discipline Code | The private special education program develops and implements a student discipline code of conduct. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 9.3 | The program shall have a written policy, including a definition of runaways, |

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| CRITERION NUMBER | |
| | Legal Standard |
| Runaway Students 18.03 (10) | <p>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: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Interviews show that staff lack understanding of the school's runaway definition and policy.

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| 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| 9.5 | Upon admission of a student, the private special education program shall provide a |

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| 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: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of documentation, interviews, and observation demonstrated several instructional groupings which exceed forty-eight months with as much as eleven- year differences in students ages. Mercy Centre has not sought an Age Span waiver from the Department of Education in this regard.

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| 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: Not Applicable RESPONSE REQUIRED: No |

Department of Education Findings:

Mercy Centre does not admit 3 and 4 year old students.

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| 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| | <ul style="list-style-type: none"> 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: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of written personnel policies and procedures show that policies d and f need to be updated to include all required elements.

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| CRITERION NUMBER | |
| | Legal Standard |
| 11.2 Administrative Responsibility 18.05(11)(a) | 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 administrator(s) provided the Department approves such positions. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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

Department of Education Findings:

Review of documentation, interviews, and observation demonstrate that the school has not made on-going efforts to recruit licensed special education classroom teachers, and the teacher in the adapted physical education classes is not licensed or waived, but is designing instruction.

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| CRITERION NUMBER | |
| | Legal Standard |
| 11.4(a) Professional Development Plans 28.09(7)(b)(c) 18.05(11)(f) | All licensed teaching staff holding professional licensure shall be required to obtain supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| 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 |

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| 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| 11.7 Job Descriptions 18.05(11)(d) | <p>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.</p> |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| 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: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 11.9 Organizational 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 |

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| 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: Not Applicable RESPONSE REQUIRED: No |

Department of Education Findings:
Mercy Centre is approved as a day program.

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| CRITERION NUMBER | |
| | Legal Standard |
| 5; 603 CMR 26.06 | |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 11.13 Plan for Staff Coverage 18.03(1)(b)4 | 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. |
| | Rating: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of documentation shows that there is not a detailed description of how the school will provide overall staff coverage in the absence of workers.

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING

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| CRITERION NUMBER | |
| | Legal Standard |
| 12.1 Staff Orientation | 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. |

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| CRITERION NUMBER | |
| | Legal Standard |
| Training 18.05(11)(g) | <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 Civil Rights training is not being provided to new employees.

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| CRITERION NUMBER | |
| | Legal Standard |
| <p>12.2 Annual In-Service Training Plan and Calendar</p> <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</p> | <p>The private special education program develops and implements a written plan for staff orientation and training that is consistent with the needs of the student population, appropriate to the role of each staff member and provides, on average, at least two (2) hours per month of relevant training for <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 annually to all staff providing direct care services to students:</p> <ol 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| CMR 26.00, esp. 26.07(2), (3) | <p>positive reinforcement, point/level systems, token economies, time-out procedures;</p> <ul style="list-style-type: none"> 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. |
| | Rating: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of documentation and interviews show that not all staff are receiving all mandated trainings, as required.

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| CRITERION NUMBER | |
| | Legal Standard |
| <p>12.2 (a) Details Behavior Management and Restraint Training</p> <p>28.09(11) 18.05(5)</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 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 programs approved by the</p> |

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| CRITERION NUMBER | |
| | Legal Standard |
| | Department of Education where such program does not hold the approval of the Department of Education as a residential school.) |
| | Rating: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Interviews indicate that, while the school provides training in this area, staff do not consistently understand the behavior management and student discipline system.

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| 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 and interviews show that training is not given on the reporting of suspected student abuse or neglect to the Disabled Persons Protection Commission.

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| CRITERION NUMBER | |
| | Legal Standard |
| 12.2(c) Details CPR Certification and Emergency | 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. |

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| 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> <ul 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| 12.2(g) Interns and Volunteers Training 18.05(11)(i) | <p>If applicable, the training plan includes provisions for the orientation, training and supervision of interns, volunteers or others who work at the program.</p> |
| | Rating: Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of documentation shows there is no written requirement for the mandated trainings to be completed by interns and volunteers.

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| CRITERION NUMBER | |
| | Legal Standard |
| Facilities and Materials 28.09(8) | 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 |

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| 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| 13.3 Comparability of Facilities Title VI: 42 U.S.C. 2000d; 34CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34CFR 106.33,106.40 | Where the private special education program provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the program, including: <ul style="list-style-type: none"> • Separate facilities for disabled, limited English proficient or pregnant students that are comparable to the facilities for other students in the program; and • Separate toilet, locker room, and shower facilities for students of one gender that are comparable in size, condition, number and location to those provided to students of the other gender. |

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| CRITERION NUMBER | |
| | Legal Standard |
| (b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b) | |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 13.4 Physical Facility/Architectural Barriers 18.04(8) Section 504: 29 U.S.C. 794; 34 CFR 104.21,104.22 ; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114 | <p>The private special education program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the school buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All schools receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>If any part of the program is not accessible to students with limited physical mobility, a plan and timetable is provided that describes how the school will make all programs and appropriate buildings accessible.</p> |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| | harsh or abrasive materials. If adjacent to a highway or other dangerous area, it shall be fenced with a non-climbable barrier at least five feet high. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| AREA 14: REQUIREMENTS FOR DAILY CARE |
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| 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 |

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| 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 |

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| CRITERION NUMBER | |
| | Legal Standard |
| 14.3 Toileting Procedures and Individual Plans 18.03(8) | <p>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.</p> <p>Toilet training plans based on parental input, the IEP and the student's physical and emotional abilities.</p> |
| | Rating: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Interviews and documentation review show that individual toileting plans are not always written based on parental input, the IEP and the student's physical and emotional abilities.

AREA 15: PARENT AND STUDENT INVOLVEMENT

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| 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: Commendable RESPONSE REQUIRED: No |

Department of Education Findings:

Review of documentation and interviews show that there are many opportunities for parents to participate in events, meetings, and other activities.

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| 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: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

Review of documentation shows that, while there is a parent handbook, there are no written parent and student orientation procedures.

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| 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: Implemented RESPONSE REQUIRED: No |

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| 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: Implemented RESPONSE REQUIRED: No |

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| 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: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 15.6 | The program shall collaborate with the placing school district to ensure student |

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| CRITERION NUMBER | |
| | Legal Standard |
| Student Involvement 34CFR 300.344 | participation in Team meetings where required by law and if appropriate. If the student does not attend the IEP meeting, steps are taken to ensure that the student's preferences and interests are considered. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 15.7 Consent at Age of 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: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 15.8 Registering Complaints 18.05(1)(b)16 Title IX: 20 U.S.C. 1681; | <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> |

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

Department of Education Findings:

Review of documentation and interviews show that while staff have a written complaint process, students and parents require written general complaint procedures to be developed that describe the process for registering complaints regarding the student’s education and care at the school.

AREA 16: HEALTH AND MEDICAL SERVICES

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| CRITERION NUMBER | |
| | Legal Standard |
| 16.1 Health care Policy and Procedure Manual 18.05(9)(d) 18.05(9)(c) | The school shall have a comprehensive, written health care policies and procedures 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:

The health care policies and procedures manual is missing some policies and others are incomplete.

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| 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: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 16.3 Nursing 18.05(9)(b) | 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 needs of the school population. |
| | Rating: Implemented RESPONSE REQUIRED: No |

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| CRITERION NUMBER | |
| | Legal Standard |
| 16.4 Emergency First Aid 18.05(9)(e) | The school shall have written policies and procedures for emergency first aid and care including: <ul style="list-style-type: none"> a. Training of all direct service staff by a certified instructor in emergency first aid; b. Secure storage of adequate first aid supplies, including but not limited to bandages, body substance isolation gloves, gauze, adhesive tape, hydrogen peroxide or other cleaning solutions, and ipecac. c. Storage of and easy access to first aid supplies and health care policies and procedures in major activities areas; d. Posting of telephone numbers for the fire department, police station, poison prevention center, hospital emergency room and ambulance service serving the school in living quarters and educational facilities; |

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| CRITERION NUMBER | |
| | Legal Standard |
| | <ul style="list-style-type: none"> e. Procedures to be followed in the case of illness or emergency such as motor vehicle accident, including methods of transportation and notification of parents; f. Procedures to be followed in the case of fire or other emergency; g. Procedures for informing parents of any medical care administered to their child or of any injury or illness that requires care other than basic first aid; and h. Procedures to be followed in the case of illness or emergency if parents cannot be reached. |
| | Rating: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:

The emergency first aid and care documentation is missing or has incomplete b, c, d, and h above. While emergency phone numbers are posted, there is no written policy or procedure regarding the posting of emergency numbers.

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| 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. |

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

Department of Education Findings:

Review of written policies and procedures regarding the administration of medication shows that e, f, g, i, j and k above are missing or incomplete. While a medication log is maintained for each student, there is no written policy or procedure in the Health Care Manual. Although the school sends parents a letter regarding the amount of medication to be kept on the premises at any one time for each student receiving medication, the school does not have a written policy.

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| CRITERION NUMBER | |
| | Legal Standard |
| <p>16.6 Administration of Antipsychotic Medication 18.05(9)(f)(9)</p> | <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> <p>a. Antipsychotic medication shall be prescribed by a licensed physician for the diagnosis, treatment and care of the child and only after review of the student's medical record and actual observation of the student.</p> <p>b. The prescribing physician shall submit a written report to the school detailing the necessity for the medication, staff monitoring requirements, potential side effects that may or may not require medical attention and the next scheduled clinical meeting or series of meetings with the student.</p> <p>c. No antipsychotic prescription shall be administered for a period longer</p> |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>than is medically necessary and students on antipsychotic medication must be carefully monitored by a physician.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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 school shall specify and follow procedures if the student refuses to consent to administration of the medication.</p> |
| | <p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p> |

Department of Education Findings:

Review of written policies and procedures regarding the administration of antipsychotic medication shows that e, f, and g above are missing or incomplete. The policies (e) do not address revoked consent, and there is no reference to the judicial process.

| CRITERION NUMBER | |
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| | 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:

Review of written policies and procedures regarding preventive health care shows that d and e above are missing or incomplete. Some, but not all communicable diseases are addressed, and there is no mention of prevention for students and staff.

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| | Legal Standard |
| 16.8 Receipt of Medical Treatment- | <p>In the absence of an emergency or epidemic of disease declared by the Department of Public Health, the school shall not require any student to receive medical treatment when the parents object thereto on the ground that such treatment conflicts with a religious belief.</p> |

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

Department of Education Findings:
Mercy Centre is approved as a day program.

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| AREA 17: TRANSPORTATION SAFETY |
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| CRITERION NUMBER | |
| | Legal Standard |
| 17.1 Transportation Safety 28.09(11)(b) | <p>The program develops transportation procedures that ensure that vehicles are safe, insured, and operated by qualified and trained individuals, and that students are transported in a safe manner that is responsive to individual students' needs and provisions of their IEPs. In the event of a motor vehicle accident, parents, school districts, human service agencies, and the Department of Education are notified immediately.</p> <p>The school ensures that <u>any</u> person who is responsible for operating a vehicle owned or contracted for by the school which carries students shall receive in-service training on overall transportation safety and the individual needs of the students they transport.</p> |
| | Rating: Partially Implemented RESPONSE REQUIRED: Yes |

Department of Education Findings:
Review of documentation indicates that there is no written notification to the Department of Education requirements in the event of a motor vehicle accident, and safety training regarding the individual needs of students is also not included in the written policy.

AREA 18: STUDENT RECORDS

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| 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 |

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| 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 o Starting and expiration dates of current (or most recent) IEP o Primary language of student o Legal status of student o If under 18: in custody of both parents, one parent [specify], legal guardian [specify], other [specify] o If 18 or over: makes own decisions; under legal guardianship [specify]; has shared role with parent in education decisions |

| CRITERION NUMBER | |
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| | Legal Standard |
| | <p>[specify]</p> <ul style="list-style-type: none"> ○ 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: Implemented RESPONSE REQUIRED: No</p> |

PRIVATE SCHOOL PROGRAM REVIEW REPORT 2007.doc

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