



Massachusetts Department of  
**ELEMENTARY & SECONDARY  
EDUCATION**

**REALIZING CHILDREN'S STRENGTHS  
(RCS LEARNING CENTER)**

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

**Dates of Onsite Visit: January 7-11, 2008**

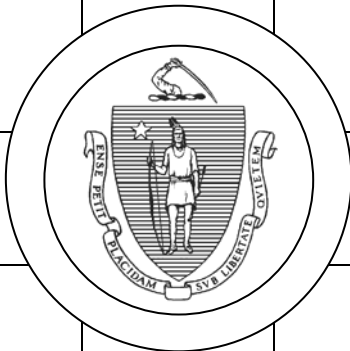
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MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW

RCS LEARNING CENTER

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# MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

## APPROVED PRIVATE SCHOOL PROGRAM REVIEW REPORT

### OVERVIEW OF REVIEW PROCEDURES

#### INTRODUCTION

The Massachusetts Department of Elementary and Secondary 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 Elementary and Secondary Education Regulations 603 CMR 28.00 and 18.00. Each private school submits an application for approval by the Department of Elementary and Secondary 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 2007-2008 review cycle were notified in October 2007 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 2007-2008 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 Elementary and Secondary 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.
- Surveys of parents of students with disabilities. Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the school's implementation of special education programs, related services, and procedural 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 two-member Massachusetts Department of Elementary and Secondary Education team visited RCS Learning Center during the week of January 7, 2008 to evaluate the implementation of selected compliance criteria under the Massachusetts Board of Elementary and Secondary 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 2004 (IDEA-04). 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 Department is submitting the following Private School Program Review Report containing findings made pursuant to this onsite visit. In preparing this report the team reviewed extensive documentation regarding the operation of the school's programs, together with information gathered by means of the following Department program review methods:

- Interviews of five administrative staff.
- Interviews of three clinical staff.
- Interviews of eight teaching and educational support services staff.
- Interviews of four Parent Group representatives.
- Student record review: A sample of 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 Elementary and Secondary Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Personnel record review: A sample of 14 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 Elementary and Secondary 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 and other school facilities used in the delivery of programs and services were visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities: 22 parents of students with disabilities were sent surveys that solicited information about their experiences with the school's implementation of special education programs, related services and procedural requirements. Ten of these parent surveys were returned to the Department of Elementary and Secondary Education for review.

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.

**RCS LEARNING CENTER  
Intensive Day Program and  
Day Program**

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT  
REQUIRING CORRECTIVE ACTION PLAN DEVELOPMENT  
in response to the following  
PROGRAM REVIEW REPORT FINDINGS**

<b>PROGRAM AREA</b>	<b>PARTIALLY IMPLEMENTED</b>	<b>NOT IMPLEMENTED</b>	<b>OTHER CRITERIA REQUIRING RESPONSE</b>
Area 1: Required Information, Notifications And Postings			
Area 2: Administration -- Legal And Financial Documentation			
Area 3: Administration -- Manuals And Handbooks	3.2		
Area 4: Disclosure Of Information			
Area 5: Admissions Procedures And Coordination/Collaboration With School Districts			
Area 6: Educational Program Requirements -- Student Learning Time			
Area 7: Educational Program Requirements -- Curriculum Frameworks And State Assessments			
Area 8: Educational Program Requirements -- Individualized Education Programs			
Area 9: Educational Program Requirements -- Student Discipline And Behavior Management	9.1(a)		
Area 10: Educational Staffing Requirements -- Student:Teacher And Student:Child-Care Worker Ratios	10.2	10.1	

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 11: Educational Staffing Requirements -- Personnel Policies, Qualifications, Responsibilities	11.4 11.5 11.6 11.7 11.10	11.3	
Area 12: Educational Staffing Requirements -- Staff Training		12.2(d)	
Area 13: Physical Facility And Equipment Requirements			
Area 14: Requirements For Daily Care			
Area 15: Parent And Student Involvement			
Area 16: Health And Medical Services			
Area 17: Transportation Safety			
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**

<b>Commendable</b>	The criterion is implemented in an exemplary manner significantly beyond the requirements.
<b>Implemented</b>	The requirement or criterion is substantially met.
<b>Partially Implemented</b>	The requirement, in one or several important aspects, is not entirely met.
<b>Not Implemented</b>	The requirement is totally or substantially not met.
<b>Not Applicable or Not Rated</b>	The requirement does not apply to the private school.

**AREA 1: REQUIRED INFORMATION, NOTIFICATIONS AND POSTINGS**

CRITERION NUMBER	Legal Standard
<p><b>1.2</b>  <b>Program &amp; Student Description, Program Capacity</b>  <b>28.09(2)(b)(2, 3, 7)</b></p>	<p>A narrative is provided that describes:</p> <ul style="list-style-type: none"> <li>• Operational capacity</li> <li>• Identified population of students to be served, including current and maximum enrollment, ages of students and their educational and behavioral characteristics</li> <li>• Philosophy, goals and objectives</li> <li>• How each of the following educational services are implemented for the described student population of the school:               <ul style="list-style-type: none"> <li>○ The content requirements of the Massachusetts Curriculum Frameworks</li> <li>○ Self-help, daily living skills</li> <li>○ Social/emotional needs</li> <li>○ Physical education; adapted physical education</li> <li>○ Pre-vocational, vocational, and career education</li> <li>○ English language support (for limited English proficient students)</li> <li>○ Other: any other specialized educational service(s) provided by the program</li> </ul> </li> <li>• 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:               <ul style="list-style-type: none"> <li>○ Transportation</li> <li>○ Braille needs (blind/visually impaired)</li> <li>○ Assistive technology devices/services</li> <li>○ Communication needs (all students including deaf/hard of hearing students)</li> <li>○ Physical therapy</li> <li>○ Occupational therapy</li> <li>○ Recreation services</li> <li>○ Mobility/orientation training</li> <li>○ Psychological services, counseling services, rehabilitation counseling services, social work services</li> <li>○ Parent counseling and training</li> <li>○ School health services, medical services</li> <li>○ Other (e.g., music therapy, sensory integration therapy)</li> </ul> </li> <li>• How the kinds of supplementary aids and services available for students in the program is or will be provided.               <ul style="list-style-type: none"> <li>○ Supplementary aids and services are defined as “those aids and services – which are not ‘specially designed instruction or related services’ –</li> </ul> </li> </ul>





CRITERION NUMBER	
	<b>Legal Standard</b>
<b>2.3 EEC Licensure 102 CMR 3.00 (NA to <u>Day</u> Schools)</b>	The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00).
	<b>RATING: Not Applicable                      RESPONSE REQUIRED: No</b>

**Department of Elementary and Secondary Education Findings:**  
*RCS Learning Center is approved as an Intensive Day and Day Program.*

**AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS**

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>3.1 Policies &amp; Procedures Manual 28.09(11)(b)</b>	<p>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.</p> <p>The program’s manual must contain a table of contents and a policy for all subject areas. The policies and procedures must include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Reporting Suspected Child Abuse/Neglect to DSS and to the Disabled Persons Protection Commission (Criterion 3.1(c));</li> <li>• Notification of Substantial Changes (Criterion 4.4);</li> <li>• Student admissions (Criterion 5.1);</li> <li>• State and district-wide assessments (Criterion 7.3);</li> <li>• Granting of high school diplomas consistent with Department of Elementary and Secondary Education requirements (Criterion 7.4);</li> <li>• Conditions for issuance of certificates of attendance or program completion by a private school or educational collaborative (Criterion 7.4);</li> <li>• Working with public school districts to implement necessary program modifications and support services to identify and serve effectively limited English proficient (LEP) students (Criterion 8.4);</li> </ul>











<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<ol style="list-style-type: none"> <li>1. The school's statement of purpose;</li> <li>2. The type of services provided;</li> <li>3. Admission criteria;</li> <li>4. Parents' rights as described in 18.05(4);</li> <li>5. Health care, including provisions for emergency health care and/or hospitalization as described in 18.05(9);</li> <li>6. Planning for both foreseen and emergency terminations as described in 18.05(6), (7);</li> <li>7. Discipline and behavior management, including physically abusive behavior by a student to himself/herself or others, and proper use of non-violent restraints as described in 18.05(5);</li> <li>8. Activities related to daily living skills;</li> <li>9. Contractual obligations with regard to payment for services. The school shall inform in writing any party, other than a local school district, responsible for placement of a student that said party is financially responsible for any costs incurred as a result of any placement not made pursuant to the requirements of 603 CMR 28.00;</li> <li>10. Clothing requirements;</li> <li>11. A description of normal daily routines;</li> <li>12. Any specific treatment strategy employed by the facility;</li> <li>13. A description of any normally occurring religious practices;</li> <li>14. Visiting hours and other procedures related to communication with students and the facility as described in 18.03(9)(a);</li> <li>15. Name and telephone number of a staff person whom the parents may contact on an ongoing basis;</li> <li>16. A description of a procedure which the parents or student may use to register complaints regarding the student's education and care at the facility; and,</li> <li>17. A copy of the approved calendar.</li> </ol> <p>There shall be a written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3)(f).</p>
	<b>RATING: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

















<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.2</b> <b>Discipline Code</b> <b>(Public Day Programs Only)</b>  <b>M.G.L. c. 71, § 37H</b>	<p>The district develops and implements a code of conduct for students and teachers.</p> <p>For public out-of-district programs in a building containing grades nine to twelve, inclusive, a student handbook setting forth rules pertaining to the conduct of students must be distributed to each student (as described in M.G.L. c. 71, § 37H).</p>
	<b>RATING: Not Applicable</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.3</b> <b>Runaway Students</b>  <b>18.03 (10)</b>	<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 Elementary and Secondary Education.</p>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.4</b> <b>Physical Restraint</b>  <b>18.05(5); 603 CMR 46.00</b>	<p>All public/private programs must obtain annual parent/guardian consent.</p> <p>A public or 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 must comply with the EEC restraint requirements contained in 102 CMR 3.00 for all students enrolled in such program.</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.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.5 3-5 Day Suspensions  18.05(6)</b>	<p>Upon admission of a student, the public/private special education program shall provide a written policy on suspensions to the parents and to the school district and/or human service agency that placed the student. Such policy shall also contain the following information:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• No student may be suspended and sent home unless a responsible adult is available to receive the student.</li> <li>• 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.</li> <li>• 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).</li> </ul> <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 Elementary and Secondary Education.</p>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.6 10+ Day</b>	The public/private special education program implements the following procedures when suspensions constitute a change of placement. A suspension is a

<p><b>Suspensions</b></p> <p><b>34 CFR 300.530 - 537</b></p>	<p>change of placement when: 1) it exceeds 10 consecutive school days or 2) it is one of a series of suspensions that constitute a pattern under 34 CFR 300.536.</p> <ol style="list-style-type: none"> <li>1. A request is made of the student's responsible school district to convene an IEP Team meeting prior to a suspension that constitutes a change in placement of a student with disabilities.</li> <li>2. The private school participates in the Team meeting: <ul style="list-style-type: none"> <li>o To develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan;</li> <li>o To identify appropriate alternative educational setting(s); and</li> <li>o To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior).</li> </ul> </li> <li>3. 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 that may be in some other setting.</li> <li>4. If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.</li> </ol>
	<p><b>RATING: Implemented</b>                      <b>RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<p><b>9.7 Terminations</b></p> <p><b>18.05(7);</b></p> <p><b>28.09(12)(b)</b></p>	<p>The program develops a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations, as described below:</p> <p>a) Planned Terminations: the public/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>b) Emergency Terminations: In 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 Elementary and Secondary Education. The special education school 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. At the request of the public school district, the special education school shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team</p>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>28.06(6)(f, g)</b>	
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Observations and interviews indicated RCS Learning Center abides by the forty-eight month age span requirement when grouping students. However, written schedules containing the students and their dates of birth by group were not submitted as required.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>10.3 Programs for Young Children</b>	The program shall ensure that all substantially separate classrooms for young children (3 and 4 year olds) do not exceed nine (9) students with one teacher and one aide.
<b>28.06(7)</b>	
	<b>RATING: Implemented      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>10.4 Student: Child Care Ratios</b>	The program has a student:child care worker ratio of: <ul style="list-style-type: none"> <li>• Not less than 4:1 nor greater than 6:1 during non-“school day” waking hours</li> <li>• Not less than 6:1 nor greater than 8:1 during sleeping hours</li> </ul>
<b>(Approved Private Residential Schools Only)</b>	If student groupings exceed the above requirements, the public/private special education program must clearly identify the student: child care worker ratios and provide a rationale that explains how the needs of the student population is being met as described in Criterion 1.2.
<b>18.03(2)</b>	
	<b>RATING: Not Applicable      RESPONSE REQUIRED: No</b>

**Department of Elementary and Secondary Education Findings:**



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	for administration of the school at any given time.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.3 Educational Administrator Qualifications</b>  <b>28.09(5)(a); 28.09(7)(a); 603 CMR 44.00</b>	<p>At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned 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 shall either possess licensure as a special education administrator or possess all of the following:</p> <ul style="list-style-type: none"> <li>• License as a special educator;</li> <li>• A minimum of a master's degree in special education or a related field; and</li> <li>• A minimum of one year of administrative experience.</li> </ul> <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>
	<b>RATING: Not Implemented                      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*The individual designated by RCS Learning Center to serve as Interim Educational Administrator does not possess the required qualifications.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>11.4 Teachers (Special Education Teachers and Regular Education Teachers)</b>  <b>18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c)</b>	<p>The public/private special education program must ensure that all teaching staff have teaching licenses appropriate to meet the needs of the population being served pursuant to the requirements of 603 CMR 7.00 and, additionally, must adhere to the following requirements:</p> <ol style="list-style-type: none"> <li>a. All teaching staff shall be re-licensed pursuant to the requirements of 603 CMR 44.00 including obtaining supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04.</li> <li>b. At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the school; other teaching staff may be licensed in other educational areas, in order to provide for content expertise in the general curriculum. The Department of Elementary and Secondary Education may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services.</li> <li>c. To the extent that teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.</li> </ol>
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Not all teaching staff at RCS Learning Center have a teaching license appropriate to the needs of the students or have been granted a waiver for the 2007-2008 school year. Separate Teacher Rosters must be submitted for the Intensive Day program and the Day program.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>11.5 Related Services Staff</b>  <b>28.09(7)(d)</b>	<p>All staff providing or supervising the provision of related services shall be appropriately certified, licensed or registered in their professional areas.</p> <p>Any staff members providing educational interpreting for students who are deaf or hard of hearing in public schools, approved special education schools and collaborative schools must be registered through the Massachusetts Commission for the Deaf and Hard of Hearing. This includes staff members who are identified as educational interpreters or oral transliterators or someone who fulfills that role but is not identified as an interpreter.</p>
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*RCS Learning Center currently does not have an Occupational Therapist as required. In addition, RCS Learning Center relies on a Certified Nursing Assistant (CNA) to provide daily nursing needs, which is not an approved position. Separate Related Service Rosters must be submitted for the Intensive Day program and the Day program.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.6 Master Staff Roster  28.09(7)</b>	<p>The public/private special education program maintains a master list of ALL staff for every position within the program. This list must include job titles along with their corresponding UFR title numbers for private programs, 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"> <li>• Administrators</li> <li>• Special education teachers</li> <li>• General education teachers</li> <li>• Related services professional staff</li> <li>• Registered Nurses</li> <li>• Direct (child) care workers</li> <li>• Direct (child) care supervisors</li> <li>• Clerical and maintenance staff</li> <li>• Psychologists</li> <li>• Social workers</li> <li>• Food service staff</li> <li>• Consultants</li> </ul>
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*RCS Learning Center submitted a Master Staff Roster that does not accurately reflect all approved positions. Separate Master Staff Rosters must be submitted for the Intensive Day program and the Day program.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.7 Job Descriptions  18.05(11)(d)</b>	<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>
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

**Department of Education Department of Elementary and Secondary Education Findings:**

*RCS Learning Center submitted job descriptions for the Educational Administrator, Supervisor, Special Education Teacher, Behavior Therapist and Nurse that did not accurately reflect the job duties as approved in the school's initial application.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.9 Organizational Structure</b>  <b>28.09(7)</b>	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.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.10 Supervision of Direct Care Day &amp; Residential Staff</b>  <b>18.03(4)</b>	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.  Regularly scheduled conferences must occur between childcare workers and supervisors; and between teachers, childcare workers and other educational personnel.
	<b>RATING: Partially Implemented                      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*RCS Learning Center submitted a staff supervision schedule that did not include all behavior therapists as indicated on the Master Staff Roster.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.11 Supervision of Students</b>  <b>18.03(1)(b)(1-5)</b>	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.

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.12</b> <b>Equal Access</b>  <b>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106, 106.; Section 504: 29 U.S.C. 794; 34 CFR 104,104 ; 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, § 5; 603 CMR 26.06; 603 CMR 28.03(1)(b)</b>	<p>The program provides all students with equal access to services, facilities, activities and benefits regardless of race, color, gender, religion, national origin, sexual orientation, disability or homelessness.</p> <ul style="list-style-type: none"> <li>• The school provides equal opportunity for all students to participate in intramural and interscholastic sports</li> <li>• Extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, gender, color, religion, national origin, sexual orientation, disability, or homelessness.</li> <li>• When a program provides separate facilities, activities or services to students based on disability, the program must ensure that such facility, activity or service is comparable to other facilities, activities or services provided by the district or school, including those provided to students without disabilities.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>





	<ul style="list-style-type: none"> <li>Procedures for obtaining parental consent, if appropriate, for behavior management procedures</li> </ul>
	<b>RATING: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>12.2(c)</b> <b>Details about Required Training- CPR Certification</b>  <b>18.05(9)(e)</b>	The program shall develop a training plan for CPR Certification, which identifies: <ul style="list-style-type: none"> <li>the staff positions/titles of staff to be trained;</li> <li>how many staff in each position/title will be trained; and</li> <li>the frequency of CPR training and certification.</li> </ul>
	<b>RATING: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>12.2(d)</b> <b>Details about Required Training- Medication Training</b>  <b>18.05(9)(f)(3)</b> <b>(c)</b>	Training about the nature of a medication, potential side effects and any special precautions or requirements shall be provided by a physician or registered nurse to all staff providing care or instruction to students for whom any staff administers medication.
	<b>RATING: Not Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: Yes</b></span>

**Department of Elementary and Secondary Education Findings:**

*RCS Learning Center has relied on a Certified Nursing Assistant (CNA) to provide medication training rather than a physician or registered nurse as required.*









	<ul style="list-style-type: none"> <li>The school shall encourage students to eat a well balanced diet, but no student shall be force fed or otherwise coerced to eat against his/her will except where medically prescribed.</li> </ul>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>14.3 Toileting Procedures and Individual Plans</b>  <b>18.03(8)</b>	<p>The public/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, maintenance of extra clean, dry indoor clothing and protecting the personal privacy of all students.</p> <p>The school shall toilet train students requiring such training in accordance with the plan requested by the parents or the IEP for the student and in accordance with the student’s physical and emotional disabilities.</p>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>14.4 Visiting, Mail and Telephones</b>  <b>(Residential Schools Only)</b>  <b>18.03(9)(a, b)</b>	<p>Public/private programs shall develop and implement written policies pertaining to visiting and other forms of communication with family, friends and others.</p> <p>Written and telephone communication shall not be prohibited, nor shall a student’s right to open and send mail which is unread by staff be infringed upon, except in accordance with the circumstances described in 603 CMR 18.03(9)(b)(1-5).</p>
	<b>RATING: Not Applicable</b> <b>RESPONSE REQUIRED: No</b>

**Department of Elementary and Secondary Education Findings:**  
*RCS Learning Center is approved as an Intensive Day and Day Program.*





<b>Parents, Students and Employees</b>  <b>18.05(1)(b)(16);</b> <b>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</b>	b) The public/private special education program must also adopt and publish grievance procedures for students and employees providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, national origin, gender, religion, sexual orientation, disability).
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>AREA 16: HEALTH AND MEDICAL SERVICES</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.2 Physician Consultation</b>  <b>18.05(9)(a)</b>	The school shall have a licensed physician available for consultation.  <u>School Physician</u> means a physician appointed by a School Committee or Board of Health in accordance with M.G.L c. 71, §§ 53, 53A, and 53B or, in the case of a private school, by the Board of Trustees.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.3 Nursing</b>	The school shall have a registered nurse available depending upon the health care needs of the school population.







<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>• The school shall, in cooperation with the student's public school, develop a plan to ensure that vision, hearing, postural and other required screenings are conducted in accordance with M.G.L. c. 71, § 57.</li> <li>• The school shall have a policy and procedure for assuring that 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 and for notifying all parents and referring agencies of the introduction of a reported communicable disease into the school. The local board of health must be notified in accordance with M.G.L. c. 111, § 111.</li> <li>• The school shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students. Medications and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with contents and antidote. The phone number for the nearest poison center must be posted clearly.</li> <li>• Where appropriate, the school shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation.</li> <li>• The school shall require that all students have necessary immunizations as required by the Department of Public Health.</li> </ul>
	<b>RATING: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.11 Student Allergies</b> <b>18.05(9)(h)</b>	The school shall have a written policy for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.
	<b>RATING: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.12 No Smoking Policy</b>  <b>M.G.L. c. 71, § 37H</b>	The school shall develop a written policy that prohibits the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>AREA 17: TRANSPORTATION SAFETY</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>17.1 Transportation Safety</b>  <b>28.09(11)(b)</b>	If applicable, 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.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>AREA 18: STUDENT RECORDS</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>18.1 Confidentiality of Student Records</b>	a) Approved special education schools shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files consistent with the Massachusetts Student Record Regulations of 603 CMR 23.00 and M.G.L. c. 71, § 34H. The approved special education school shall make the individual records of enrolled Massachusetts students available to the Department



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