



**The Children's Study Home  
Mill Pond School/Kathleen Thornton Day School  
Latency Cottage Residential Education Program**

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

**Dates of Onsite Visit: January 8-11, 2007**

**Date of Draft Report: March 8, 2007**

**Due Date for Comments: March 26, 2007**

**Date of Final Report: May 21, 2007**

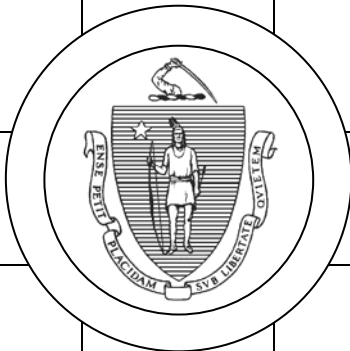
**Action Plan Due: June 29, 2007**

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

**The Children’s Study Home**

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

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

**Private School Program Review Elements**

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

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

**Content:** The Program Review criteria encompass key elements drawn from 603 CMR 18.00 and 28.00 and the private school's application for approval. The elements selected for the 2005-2006 reviews also include those required by the federal Office for Special Education Programs (OSEP) and revised requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.* (IDEA-2004) as described in the Department's Special Education Advisories. Selected Program Review compliance criteria are aligned with the requirements and goals of the Massachusetts Education Reform Act of 1993, being intended to promote high standards and achievement for all students.

**Report:** The Department's Program Review Report is based on a review of documentation regarding the operation of the school's programs, together with information gathered through the following Department program review methods:

- Interviews of administrative, clinical, instructional and support staff across all grade levels.
- Interviews of Parent Group representatives.
- Other interviews as requested by personnel from state and local agencies and members of the general public.
- Review of student records: A sample of student records is selected for detailed review by the Department of Education. Student records 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 The Children's Study Home during the week of January 8, 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 The Children's Study Home. These features are as follows:

*Policies and procedures are well written. The school is commended for the quality of its written curriculum guidelines for each subject and grade, as well as detailed personnel and financial management policies.*

*Although the school currently has a vacancy in the position of Education Director, teachers are highly skilled and have shown leadership to ensure that students continue to receive a quality education during this interim phase.*

*The school is also commended for promoting a supportive atmosphere for staff members who report that they work well together as a team to ensure the best possible services for students.*

*Children's Study Home offers students high quality instruction in elective classes, most notably in the areas of art and woodworking.*

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 three administrative staff.
- Interviews of three clinical staff.
- Interviews of eight teaching and educational support services staff.
- Interviews of three residential staff.
- Interview of a parent of a Massachusetts student enrolled in the school.
- Student record review: A sample of 14 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 12 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 and other school facilities used in the delivery of programs and services were visited to determine general levels of compliance with program requirements.

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

**The Children's Study Home**

**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	1.2		
Area 2: Administration -- Legal And Financial Documentation			
Area 3: Administration -- Manuals And Handbooks			
Area 4: Disclosure Of Information			
Area 5: Admissions Procedures And Coordination/Collaboration With School Districts	5.1, 5.2		
Area 6: Educational Program Requirements -- Student Learning Time	6.1		
Area 7: Educational Program Requirements -- Curriculum Frameworks And State Assessments	7.2		
Area 8: Educational Program Requirements -- Individualized Education Programs	8.5, 8.6, 8.9, 8.11		
Area 9: Educational Program Requirements -- Student Discipline And Behavior Management			
Area 10: Educational Staffing Requirements -- Student:Teacher And Student:Child-Care Worker Ratios	10.1		
Area 11: Educational Staffing Requirements -- Personnel Policies, Qualifications,	11.4, 11.6	11.3	

<b>PROGRAM AREA</b>	<b>PARTIALLY IMPLEMENTED</b>	<b>NOT IMPLEMENTED</b>	<b>OTHER CRITERIA REQUIRING RESPONSE</b>
<b>Responsibilities</b>			
<b>Area 12: Educational Staffing Requirements -- Staff Training</b>	12.1, 12.2(a), 12.2(b), 12.2(e), 12.2(f), 12.2(h), 12.2(i)		
<b>Area 13: Physical Facility And Equipment Requirements</b>	13.4,13.7		
<b>Area 14: Requirements For Daily Care</b>			
<b>Area 15: Parent And Student Involvement</b>	15.3, 15.4, 15.5, 15.8		
<b>Area 16: Health And Medical Services</b>	16.8		
<b>Area 17: Transportation Safety</b>	17.1		
<b>Area 18: Student Records</b>	18.1, 18.2		

**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
<b>1.2 Program &amp; Student Description  Program Capacity  28.09(2)(b)(2,3,7)</b>	A narrative is provided that describes the program's: 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
	<b>Rating: Partially Implemented      RESPONSE REQUIRED:      Yes</b>

**Department of Education Findings:**

*The narrative description of staff qualifications, program capacity and student characteristics submitted as part of this program review indicate that this information conflicts with information in the reconstruction letter.*

*The narrative description incorrectly states that “every effort is made to ensure that our staff is licensed in their field of expertise” when the Department of Education requires every staff member who has a position that requires licensing to hold a current license in the state of Massachusetts.*

*The reconstruction letter states that the maximum enrollment in the residential school is 14 students while the narrative description states that it is 16 students. Observation and interviews and review of the student roster for the residential program indicate that only 6 students enrolled in the residential school have an IEP for a residential program and the other 8 students have an IEP for a day program, attend school at Springfield Public Schools and their residential costs are paid for by the Department of Social Services.*

*The day program that was approved as part of the reconstruction indicates that the maximum enrollment in the day program is 71 students, but the narrative description states that it is 82 students.*

*In addition, the narrative description submitted under this criterion states that the age range of students in the day and residential programs is 7-22, but interviews, observation and documentation submitted elsewhere as part of this review indicate that the residential program serves students age 6-12 and the day programs serve students age 6 – 22.*

**AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION**

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

CRITERION NUMBER	
	Legal Standard
<b>2.2</b> <b>Approvals, Licenses, Certificates of Inspection</b>  <b>28.09(2)(b)4-5</b> <b>28.09(5)</b> <b>28.09(6)</b> <b>18.04(1)</b>	<p>The program has current licenses, approvals, and certificates of inspection by state and local agencies for:</p> <ul style="list-style-type: none"> <li>a. Building occupancy;*</li> <li>b. Safety inspection in all buildings by the Department of Public Safety or local building inspector;</li> <li>c. Annual fire safety inspection by local fire department;*</li> <li>d. Lead paint inspection (if applicable);*             <ul style="list-style-type: none"> <li>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).]</li> </ul> </li> <li>e. Health safety;*</li> <li>f. Approval by local school committee (per M.G.L. c. 76, s. 1);</li> <li>g. Approval by DEEC to operate a group care facility or a special education day care center (if applicable);*</li> <li>h. Asbestos inspection or date when building was constructed and statement from appropriate authority that building is asbestos free;</li> <li>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;</li> <li>j. Other inspections that may be required by local or state authorities; and</li> <li>k. (If applicable) a statement as to whether previous application was made for approval, and the action that was taken on it.</li> </ul>





CRITERION NUMBER	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>k. IEP- revisions and changes</li> <li>l. IEP- transition planning</li> <li>m. IEP- transition services</li> <li>n. State and district-wide assessments</li> <li>o. Progress reports</li> <li>p. Least restrictive placements</li> <li>q. Evacuation and emergency procedures</li> <li>r. Parent involvement</li> <li>s. Orientation for new parents and students</li> <li>t. Change of student's legal status</li> <li>u. Obtaining parental consent</li> <li>v. Student involvement</li> <li>w. Registering complaints- parents and students</li> <li>x. Student protections</li> <li>y. Supervision of students</li> <li>z. Student records</li> <li>aa. New staff orientation and annual in-service training</li> <li>bb. Student transportation and transportation safety</li> <li>cc. Research, experimentation, fund raising, publicity, and observation</li> </ul> <p>Appendix with all signed and dated Assurances sent to the Department in connection with this application.</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>3.1(b)</b>  <b>Private School Employment Practices</b>  <b>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. 1681; 34 CFR</b>	<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>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>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</b>	
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>3.2 Health Care Manual 18.05 (9)(d)</b>	<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"> <li>a. Provision of medical, nursing, and infirmary care</li> <li>b. Emergency first aid (see criterion 16.4)</li> <li>c. Administration of medications, per DPH regulations</li> <li>d. Administration of anti-psychotic medications including, where appropriate, “Rogers Procedures”</li> <li>e. Students with Comfort Care/Do Not Resuscitate Orders (DPH Guidelines issued on November 30, 2004)</li> <li>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)</li> <li>g. Preventive health care (see 16.7)</li> <li>h. Receipt of medical treatment in accordance with students’ religious beliefs</li> <li>i. No smoking policy (see Assurance on this subject)</li> <li>j. Toileting procedures</li> <li>k. Food and nutrition (see 14.2)</li> <li>l. Name and contact information for consultant physician and additional emergency contacts.</li> </ul>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>3.3 Special Education Regulations and Reference Materials</b>  <b>State: 603 CMR 28.00 Federal: 34 CFR 300.300-.577 and Appendix A</b>	<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> <ol style="list-style-type: none"> <li>a. Current federal IDEA regulations: 34 CFR 300.300-.577</li> <li>b. Appendix A to the above federal regulations</li> <li>c. State regulations: 603 CMR 28.00 and 603 CMR 18.00</li> <li>d. The current Department of Education IEP Process Guide and IEP Forms</li> <li>e. State restraint regulations (for day schools)</li> </ol>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

**AREA 4: DISCLOSURE OF INFORMATION**

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>4.1 Aspects of program, staff credentials and student records 28.09 (5)(a)</b>	<p>The private special education school shall make available to the Department information on all aspects of the school's program(s), the license and/or credentials of its staff and the individual records of enrolled Massachusetts students.</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>4.2 Public information and Postings 28.09(6)(a,b,c ,d,e), 28.09(2)(b)(4)</b>	<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"> <li>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)</li> <li>b. First aid, medical and emergency procedures, location of nearest telephones within each building, and emergency telephone numbers (must be posted in each building)</li> <li>c. Evacuation routes and procedures (must be posted in each room)</li> <li>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)</li> <li>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)</li> <li>f. Program information including a statement of purpose, general description of educational program and an organizational chart</li> </ol> <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"> <li>a. Current tuition rate for students</li> <li>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</li> </ol>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>4.3 Publicly Available Information 28.09(5)(a,b), (6) 18.04(1)(a)(b)</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"> <li>• Valid safety inspections of all buildings by the Department of Public Safety or the local building inspector</li> <li>• Health inspections</li> <li>• Fire safety inspection from the local fire department</li> <li>• Asbestos inspection</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>102 CMR 3.06(4)(b)</b>	<ul style="list-style-type: none"> <li>• PCB inspection</li> <li>• A report demonstrating compliance with childhood lead poisoning prevention and control law and regulations, if applicable</li> <li>• School's policy and procedure manual</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>4.4 Advance notice of Proposed Program/Facility Change</b> <b>28.09 (5)(c)</b>	<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> <ul style="list-style-type: none"> <li>a. Changes (e.g. increases or reductions) in services or staff including temporary staff shortages that alter the previously approved student/teacher (or student/childcare) ratios and/or affect the program or service delivery to students per their IEPs(if any changes occur in this area, the school <u>must submit an updated Master Staff Roster</u>);</li> <li>b. Building changes that affect the care of the students;</li> <li>c. Major changes in the population to be served;</li> <li>d. Any alteration of the service configuration of the program as last approved by the Department; and</li> <li>a. Significant changes in program policies or 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>4.5 Immediate notification</b>	For <u>all</u> students (regardless of state of residency), the private program makes immediate notification to the parent, the public school district special education administrator, and any state agency involved in the student care or placement (by

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>18.03(10)</b> <b>18.05(7)</b> <b>28.09(12)</b>	<p>telephone and letter), and the Department of Education (by telephone and Form 2) of the following incidents:</p> <ul style="list-style-type: none"> <li>b. Death of a student</li> <li>c. Hospitalization of a student, including outpatient emergency room visits, due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program</li> <li>d. Injury of a student in a motor vehicle accident</li> <li>e. In-patient psychiatric hospitalization of a student due to an emergency mental health crisis that occurs while the student is in the program</li> <li>f. Administration of medication to a student in an emergency situation</li> <li>g. Running away of a student</li> <li>h. Emergency termination of a student including circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others <ul style="list-style-type: none"> <li>o A written termination summary explaining the reasons for the emergency termination must be sent to the parent(s), the student (if over 14 years of age), the local Administrator of Special Education, officials of the appropriate Human Service Agency and the Department of Education.</li> </ul> </li> <li>i. Filing of a 51-A report with DSS, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student</li> <li>j. Any action taken by a federal, state or local agency that might jeopardize the school's approval with the Department or any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students regardless of state of residency</li> </ul>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

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

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>5.1 Student Admissions</b>	<p>The private special education program may not enroll eligible students under the provisions of 603 CMR 28.00 unless approved to do so by the Department.</p> <p>The program develops and implements written admissions criteria, policies and</p>

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

**Department of Education Findings:**

*Documentation and student record review indicate that the private school requires students to have a physical examination within the previous two years of admission, but the Department of Education requires a physical examination within the previous one year of admission or in the case of an emergency placement, within the first month of enrollment.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>5.2 Policies and Procedures for Coordination /Collabora- tion with Public School Districts &amp; Content s for Coordination /Collaboratio n with Public School Districts</b>	<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"> <li>a. Consideration of possible placement and admissions process;</li> <li>b. IEP development and implementation and roles in 3-year eligibility re-determinations;</li> <li>c. Contents of and general arrangements for executing contracts with placing school districts;</li> <li>d. Participation of the private or public school program as well as school</li> </ul>

CRITERION NUMBER	
<p><b>28.06(2-3)</b> <b>28.09(9)(c)</b> <b>&amp;(d)</b> <b>28.09(2)(b)7</b></p> <p><b>Federal Regulations: 300.349 and 300.400-.401</b></p> <p><b>28.06(2-3)</b> <b>28.07(5)</b> <b>28.09(9)(c)</b> <b>&amp;(d)</b> <b>28.09(2)(b)7</b></p> <p><b>Federal Regulations: 300.349 and 300.400-401</b></p>	<p style="text-align: center;"><b>Legal Standard</b></p> <p>district representatives at the Team and other key meetings, including reviewing/revising the IEP;</p> <ul style="list-style-type: none"> <li>e. Written progress reports;</li> <li>f. Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc.</li> <li>g. Administration of tests;</li> <li>h. Preparations for students returning to a public school or other less restrictive setting;</li> <li>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;</li> <li>j. School district monitoring of student progress;</li> <li>k. Granting of high school diplomas consistent with Department of Education requirements; and</li> <li>l. Conditions for issuance of certificates of attendance or program completion by a private school or educational collaborative.</li> </ul> <p>NOTE: Please review federal regulations 300.349 and 300.400-401 before preparing this policy/procedure. Public school districts have the lead responsibility for convening the Team that makes the initial and subsequent (every 3 years) eligibility determinations, develops the IEP, and decides upon an appropriate placement. Private and educational collaborative programs, however, play a major role in determining whether a proposed placement in the program will meet a student’s needs. Private and educational collaborative programs have the responsibility of delivering services on the IEP, assessing and communicating progress, developing subsequent IEPs and planning for the student’s return to a less restrictive environment and/or for adult life.</p>
	<p><b>Rating: Partially Implemented</b>                      <b>RESPONSE REQUIRED: Yes</b></p>

**Department of Education Findings:**

*Documentation review indicates that the policy on collaboration and coordination with sending public school districts incorrectly states, “changes to the student’s IEP or program will be implemented without the involvement and agreement of the school district and student’s parent/guardian.” This policy also does not detail whether the private school or sending public school district will conduct testing for three year re-evaluations or discuss whether the private school would issue high school diplomas or certificates of attendance.*

CRITERION NUMBER	
	<b>Legal Standard</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>5.4 Training 18.05(11)(g)(h)</b>	All staff with school district contact responsibility are trained regarding their particular roles and responsibilities.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:**

*Documentation review and interviews indicate that the Educational Director is the person who has lead school district contact responsibility. At this time the Educational Director's position is vacant. In the interim, the Deputy Director and high school principal are carrying out the duties of the Educational Director. Interviews indicate that teachers and school counselors contact public school districts to confirm meetings.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>5.5 Staff Coordinator 28.09(7)</b>	A senior person(s) is designated to communicate and work effectively with all public school districts that have placed students in the program.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:**

*Documentation review and interviews indicate that the Educational Director is the person who has lead school district contact responsibility and this position is currently vacant. At this time the Educational Director's position is vacant. In the interim, the Deputy Director and high school principal are carrying out the duties of the Educational Director.*

**AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT LEARNING TIME**

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	Unless otherwise approved by the Department of Education, the private special

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

**Department of Education Findings:**

*Documentation review, interviews and observation indicate that the school has a number of early release days and has not extended each day beyond the required 5 or 5.5 hours to ensure the required number of hours per year. Interviews also indicate that the school schedule is different in the summer months and Children’s Study Home hires a reduced number of staff members due to a reduction in student enrollment in the summer months, but documentation of staffing, student enrollment and block scheduling for the summer months for both the day and residential programs was not submitted.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>6.1(a)</b> <b>Physical Education Requirements</b>  <b>MGL Chapter 71, Section 3</b>	<p>The private special education program shall develop a curriculum to teach physical education as a required subject at all grade levels for all students for the purpose of promoting the physical well being of students.</p> <p>Both physical education and health education classes are to be considered part of the student’s structured learning time.</p>
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>6.2</b> <b>School-to-Work</b>  <b>603 CMR</b> <b>27.02, 27.04</b>	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.
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:**

*Documentation review and interviews indicate that the school provides electives courses in woodworking and horticulture, but these do not constitute a work-study program.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>6.3</b> <b>Kindergarten</b>  <b>603 CMR</b> <b>27.03(5)</b>	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.
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:**

*Children's Study Home does not serve kindergarten-age students.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>6.4</b> <b>School Days per Year</b> <b>28.09(9)</b>	The private special education program is conducted for the following days (exclusive of weekends, holidays, vacations): <ul style="list-style-type: none"> <li>• 10 month program - 180 days</li> <li>• 11 month program – 198 days</li> <li>• 12 month program – 216 days</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	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).
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>6.5 Early Release of High School Seniors  603 CMR 27.05</b>	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 2 school days before the regular scheduled closing date of that school.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>7.1 Curriculum Frameworks 28.09(9)(b)</b>	<p>The program's personnel shall reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum.</p> <p>The program has taken steps to provide all students with essential learning opportunities that prepare the students to reach the state graduation standards.</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

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

**Department of Education Findings:**

*Documentation review indicates that private school has a policy that requires all staff to attend training on its curriculum. Review of the in-service training calendar, personnel records and interviews indicated that residential and clinical staff members have not been offered this training and not all staff members have been provided with training in the curriculum within the past year.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>7.3 State/District Wide Assessments 28.09(9)(d)</b>	The program has a written procedure outlining how the school will ensure that <u>all</u> enrolled students participate in state and/or district wide assessments in accordance with the assessment participation information provided on the student's IEP. Such procedures shall include how the approved program will provide for MCAS testing accommodations and/or administration of alternate assessments as determined by each student's Team.
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>8.1</b>	The program specifies how each of the following educational services are

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>Implementation-Educational Services 28.04 and 28.09(8) 34 CFR 300.26</b>	<p>implemented for the described student population of the school:</p> <ul style="list-style-type: none"> <li>a. The content requirements of the Massachusetts Curriculum Frameworks;</li> <li>b. Self-help, daily living skills</li> <li>c. Social/emotional needs</li> <li>d. Physical education; adapted physical education</li> <li>e. Pre-vocational, vocational, and career education</li> <li>f. English language support (for limited English proficient students)</li> <li>g. Other: any other specialized educational service(s) provided by the program</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>8.2 Implementation-Related Services 28.04 and 28.09(8) 34 CFR 300.24</b>	<p>Related services are defined in the federal regulations as those services that are developmental and corrective as well as supportive services that <u>assist a child to benefit from</u> special education and/or access the general curriculum.</p> <p>The program specifies how each of the following related services is or will be provided for the described student population of the school whose IEPs indicate such services:</p> <ul style="list-style-type: none"> <li>a. Transportation</li> <li>b. Braille needs (blind/visually impaired)</li> <li>c. Assistive technology devices/services</li> <li>d. Communication needs (all students including deaf/hard of hearing students)</li> <li>e. Language needs (Limited English Proficient students)</li> <li>f. Physical therapy</li> <li>g. Occupational therapy</li> <li>h. Recreation services</li> <li>i. Mobility/orientation training</li> <li>j. Psychological services, counseling services, rehabilitation counseling services, social work services</li> <li>k. Parent counseling and training</li> <li>l. School health services, medical services</li> <li>m. Other (e.g., music therapy, sensory integration therapy)</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>71A, SS. 2(E), 4; 603 CMR 14.04; M.G.L. C. 76, S. 5; 603 CMR 26.03</b>	
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>8.5 Current IEP &amp; Student Roster 28.09</b>	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).
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Review of the current IEP and student roster indicates that this roster does not always include information on the 3-year reevaluation date and indicates that the private school does not have a current IEP on file for all students. Review of student records indicates that the private school has not always documented its repeated attempts to contact the sending school district to obtain a copy of a current, signed IEP.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>8.6 Educational Case Manager 28.09</b>	The program shall assign an educational case manager to each student.
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Documentation review and interviews indicated that each student has been assigned an Educational Case Manager who is a school counselor; however this information was not recorded on the face sheet in student records and teachers and school counselors were not aware that the school counselor was the Educational Case Manager.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>8.7 IEP Implementation 28.09</b>	The program shall implement all services on the students' IEPs.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>8.8 IEP – Progress Reports 28.07(3)  20 U.S.C. Chapter 33, Section 1414(d)(1)(A) (viii)  IDEA Regulations: 300.347</b>	<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>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	<b>TOPIC</b>
	<b>Legal Standard</b>
<b>8.9 IEP –</b>	The program notifies the responsible public school district and parents whenever the IEP needs to be revised to reflect a change in goals, placement, or a return to a less restrictive setting.

CRITERION NUMBER	TOPIC
	<b>Legal Standard</b>
<b>Revisions &amp; Changes 34 CFR 300</b>	In no case shall the private school or educational collaborative provide notice of a Team meeting required by state and federal special education requirements. In no case shall the private school or educational collaborative conduct a Team meeting without the authorization and presence of an administrative representative of the responsible school district. In no case shall the private school or collaborative issue a new or revised IEP for a student.
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Student record review indicated that progress reports sometimes indicate that students are making minimal progress and report cards indicate that students are failing multiple classes, but there was no evidence that the school requested the public school district hold a team meeting to review the appropriateness of the IEP goals and objectives.*

CRITERION NUMBER	TOPIC
	<b>Legal Standard</b>
<b>8.10 IEP – Less Restrictive Placement 28.09(9)(c)</b>	The program has a plan for ensuring that there are flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. Such mechanisms may include, but are not limited to, a capacity for part-time attendance at a public school or in a general education classroom, or other community program, or a period of transition from one program option to a less restrictive program option.
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

CRITERION NUMBER	TOPIC
	<b>Legal Standard</b>
<b>8.11 IEP- Transition</b>	No later than when a student is 15 years old, the program works with the responsible school district to discuss a student's transition needs at the IEP Team meeting. If

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>Planning</b> <b>34 CFR</b> <b>300.347(b)(1)</b> <b>34 CFR</b> <b>300.347(b)(2)</b>	appropriate, the Team considers and writes specially designed, measurable goals based on age-appropriate transition assessments related to training, postsecondary education, employment, and, where appropriate, to independent living skills. If transition services are included in the IEP, they are based upon the student's needs, 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.
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Student record review and interviews indicates that vision statements do not always reflect student desires and transition plans are not well documented in the student record. Documentation review indicates that the private school is using the Department of Education transition planning chart; however this chart was not found in any student records.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>8.12</b> <b>IEP –</b> <b>Transition</b> <b>Services</b> <b>28.05(4)(c)</b>	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.  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 22 <sup>nd</sup> birthday) in accordance with the requirements of MGL c.71, §12-A-§12C (known as Chapter 688).
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.1 Policies and Procedures 18.05 (5)</b>	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.
	<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 Discipline Code</b>	The private special education program develops and implements a student discipline code of conduct.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.3 Runaway Students 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 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>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>9.4</b> <b>Restraints</b> <b>18.05 (5)</b> <b>603 CMR</b> <b>46.00</b>	<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>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>9.5</b> <b>3-5 Day</b> <b>Suspensions</b>  <b>18.05(6)</b>	<p>Upon admission of a student, the private special education program shall provide a written policy on suspensions to the parents and to the school district and human service agency that placed the student. Such policy shall also contain the following information:</p> <ol style="list-style-type: none"> <li>a. Whenever a student is suspended, the school shall immediately notify the parents and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement explaining the reasons for suspension to the parents and public school district.</li> <li>b. No student may be suspended and sent home unless a responsible adult is available to receive the student.</li> <li>c. Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program.</li> <li>d. Procedures must be in place to record and track the number and duration of suspensions, including suspensions from any part of the student's IEP program (including transportation).</li> </ol> <p>NOTE: Sending a student home "early" is considered a suspension if the student's</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	IEP does not allow for the modification of learning time requirements of the Board of Education.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>9.6 Suspensions Joint responsibilities of the public/private school and the responsible school district  Federal Requirements: 34 CFR 300.519-.529</b>	<p>The private special education program implements the following procedures when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days:</p> <ol style="list-style-type: none"> <li>a. A request is made of the student's responsible school district to convene an IEP Team meeting, which includes representation from the private school, prior to a suspension that constitutes a change in placement of a student with disabilities;</li> <li>b. 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> </ul> </li> <li>c. To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior). [To do this, the Team asks questions including: Is the IEP appropriate? Is the placement appropriate? If there was a behavior plan, was it implemented? Does the student understand the impact and consequences of his/her behavior? Can the student control his/her behavior?].</li> <li>d. If the Team determines that the behavior is <u>NOT</u> a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student with disabilities that may be in some other setting.</li> <li>e. If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the placing district, in coordination with the private school, takes steps (with the consent of the parent) to modify the IEP, the behavior intervention plan, and/or the placement.</li> </ol>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>28.09(7)(e)</b>	
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Documentation review indicates that the teacher to student ratio at its two programs is 1:4. Review of the reconstruction agreement in 2002 indicates that the teacher to student ratio must be 1:3 in the residential program and 1:4 in the day program.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>10.2 Age Range 28.06(6)(f)</b>	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).
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>10.3 Programs for Young Children 28.09(7)(e) 28.06(7)</b>	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.
	<b>Rating: Not Applicable</b> <b>RESPONSE REQUIRED: No</b>

**Department of Education Findings:**

*Children’s Study Home does not serve young children ages 3 and 4.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>

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

**Department of Education Findings:**

*Documentation review and observation indicate that the student to childcare ratio is 4:1 in the evening and weekend day hours and 8:1 overnight at the Latency Cottage Residential Program.*

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

**Department of Education Findings:**

*Children’s Study Home has not requested alternate ratios for student to childcare ratios.*

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.2 Administrative Responsibility 18.05(11)(a)</b>	<p>The private special education program shall designate one person who will have administrative responsibility over the operation of the school. Schools with more than 40 professional licensed staff may have one (or more) assistant administrator(s) provided the Department approves such positions.</p>
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
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	<b>Legal Standard</b>
<b>11.3 Educational Administrator Qualifications 28.09(7)(a) 603 CMR 44.00 and 44.04</b>	<p>The program shall designate an educational administrator to supervise the provision of special education services in the school and to ensure that the services specified in each student’s IEP are delivered. The educational administrator either shall have licensure as a special education administrator or all of the following:</p> <ul style="list-style-type: none"> <li>• A current 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: Partially Implemented                      RESPONSE REQUIRED:                      Yes</b>

**Department of Education Findings:**

*Documentation review and interviews indicate that the private school has a vacancy in the position of Educational Administrator. In the interim, the high school principal and the Deputy Director are carrying out the duties of the Educational Director. The high school principal has a master’s degree in education and a Massachusetts Department of Education professional level license in special education. The Deputy Director has a Master of Social Work in nonprofit administration and required administrative experience.*

<b>CRITERION NUMBER</b>	<b>Legal Standard</b>
<b>11.4 Teachers (Special Education Teachers and Regular Education Teachers) 28.09(7)(b)(c) 18.05(11)(f)</b>	<p>The private special education program must ensure that all teaching staff have teaching license (certification) 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 and shall be subject to the same requirements as teachers in Massachusetts public schools and shall be required to obtain 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 shall be licensed in other educational areas, in order to provide for content expertise in the general curriculum. The Department of 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</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	services shall be provided, designed, or supervised by a special educator.
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Documentation and personnel record review as well as interviews indicate that not all teachers have a current teaching license or waiver and at least fifty percent of teachers are not licensed in special education.*

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.5 Related Services Staff 28.09(7)(d)</b>	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.
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>11.6</b> <b>Master Staff Roster</b> <b>28.09(7)</b>	<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"> <li>• Administrators <ul style="list-style-type: none"> <li>▪ Special education teachers</li> <li>▪ General education teachers</li> <li>▪ Related services professional staff</li> <li>▪ Registered Nurse</li> <li>▪ Direct (child) care workers</li> <li>▪ Direct (child) care supervisors</li> <li>▪ Clerical and maintenance staff</li> <li>▪ Psychologist</li> <li>▪ Social worker</li> <li>▪ Food service staff</li> <li>▪ Consultants</li> </ul> </li> </ul>
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED:        Yes</b>

**Department of Education Findings:**

*Children's Study Home submitted a Master Staff Roster for the residential program but not for the day program. Some information on the Master Staff Roster is incorrect, not specifically detailed or missing. The Uniform Financial Record (UFR) #101 Program Manager is reported as working a position equivalent to three full-time jobs. In some cases a number of people are listed under one UFR#, but the Full Time Equivalent (FTE) for each individual staff member is not indicated. Qualifications and/or years of experience are not given for direct care and program support staff members.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>11.7</b> <b>Job Descriptions</b> <b>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: Implemented</b> <b>RESPONSE REQUIRED:        No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.8 Salary Ranges 18.05(11)(e)</b>	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.
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.9 Organizational Structure 28.09(7) 28.07(c)</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</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.10 Supervision of Child Care Workers (Direct Care Staff) 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.
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>



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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>11.13 Plan for Staff Coverage  18.03(1)(b)4</b>	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.
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

**AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING**

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>12.1 Staff Orientation Training  18.05(11)(g)</b>	<p>The private special education program develops a written plan for staff orientation and provides an orientation-training program for all new staff to ensure an understanding of the school’s philosophy, organization, program, practices and goals.</p> <p>The written plan shall describe how newly hired staff are provided training on all required topics at the time of hire if the required topics have already been covered with existing staff.</p> <p>*New staff may not be assigned direct care duties with students until they have participated in all mandated training through their orientation program.</p>
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

Documentation review and interviews indicate that newly hired staff members do not receive all mandated trainings before they are assigned direct care duties.

CRITERION NUMBER	
	<b>Legal Standard</b>
<p><b>12.2</b> <b>Annual In-Service Training Plan and Calendar</b></p> <p><b>28.09(7)(f)</b> <b>18.05(11)(h)</b></p> <p><b>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, s. 5; 603 CMR 26.00, esp. 26.07(2), (3)</b></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"> <li>a. Reporting abuse and neglect of students to the Department of Social Services (51-A) and/or the Disabled Persons Protection Commission;</li> <li>b. Emergency first aid training by a certified instructor and, where specifically required by the Department of Education, certification in CPR;</li> <li>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);</li> <li>d. Runaway policy;</li> <li>e. Transportation safety (if applicable);</li> <li>f. Student record policies and confidentiality issues;</li> <li>g. Evacuation policies and emergency procedures including, but not limited to, utilization of the alarm system, evacuations in instances of fire or natural disaster;</li> <li>h. Behavior management policies and procedures used by the program such as positive reinforcement, point/level systems, token economies, time-out procedures;</li> <li>i. Restraint procedures including de-escalation methods used by the program;</li> <li>j. Curriculum alignment with the Massachusetts Curriculum Frameworks;</li> <li>k. Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and</li> <li>l. Civil rights responsibilities.</li> </ol>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<p><b>12.2 (a)</b> <b>Details</b> <b>Behavior Management and Restraint Training</b></p> <p><b>28.09(11)</b> <b>18.05(5)</b></p>	<p>Training on behavior management and suspension and termination procedures includes:</p> <ul style="list-style-type: none"> <li>a. Program’s student conduct/discipline code</li> <li>b. Description of safeguards for students’ emotional, physical, and psychological well-being</li> <li>c. Policies on use of time-out procedures</li> <li>d. Techniques for dealing with disruptive and violent behavior including skill training on the proper use of non-violent restraint</li> <li>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 *</li> <li>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</li> <li>g. Procedures for obtaining parental consent, if appropriate</li> </ul> <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 Department of Education where such program does not hold the approval of the Department of Education as a residential school.)</p>
	<p><b>Rating: Partially Implemented</b>                      <b>RESPONSE REQUIRED: Yes</b></p>

**Department of Education Findings:**

*Documentation review indicates that Children’s Study Home has not published a code of conduct that details expected behaviors and consequences.*

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>18.05(9)(j)</b>	
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Documentation review and interviews indicate that the training on reporting child abuse and neglect does not include information on reporting suspected abuse or neglect of adult student to the Disabled Persons Protection Commission. Personnel record review indicates that not all staff members have been trained on the private school's abuse and neglect policy within the last year.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>12.2(c) Details CPR Certification and Emergency First Aid Training 18.05(9)(e)</b>	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.
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>12.2(d) Details Medication Training 18.05(9)(f)(3)</b>	<p>Training by a physician or registered nurse shall be given to all staff who provide care and instruction to students receiving medication.</p> <p>The training shall include the nature of a medication, potential side effects and any special precautions or requirements.</p> <p>(Note: See requirements for health care manual, which must include policies and procedures on medication administration.)</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
(c)	
	<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(e) Student Record Training 28.09(10)</b>	The private special education program shall train staff to keep current and complete files for each publicly funded enrolled student and shall train staff to manage such files consistent with the Massachusetts Student Record Regulations (603 CMR 23.00) and MGL c.71, s.34H.
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:**

*Personnel record review indicates that not all staff members have been trained on the private schools policy on confidentiality of student records within the last year.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>12.2(f) Emergency Procedures Training 18.05(10)</b>	<p>All staff shall be trained relative to emergency procedures, evacuation policies and procedures and in the use of the alarm system and equipment such as fire extinguishers.</p> <p>The program shall conduct at least two evacuation drills per shift at each location annually (including all day programs, and residences in the evening and overnight) to ensure that all students are able to leave the building safely. In addition, the program shall:</p> <ol style="list-style-type: none"> <li>a. Help all students to understand the nature of the drills</li> <li>b. Make special provisions for the evacuation of any mobility-impaired student in the facility</li> <li>c. Keep a written log of each evacuation drill which includes date, time elapsed, participants (students and staff), witnesses, etc.</li> </ol>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: Yes</b></span>



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

**Department of Education Findings:**

*Documentation review indicates that the school has a policy that staff members will have an annual employee evaluation. Personnel record review indicates that not all staff members have an employee evaluation on file for the previous year.*

**AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS**

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>13.2 Description of Physical Facility 28.09 (8)</b>	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,

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>18.04</b>	dining area, and living areas for residences).
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>13.3 Comparability of Facilities</b>  <b>Title VI: 42 U.S.C. 2000d; 34CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34CFR 106.33,106.40 (b)(3); Section 504: 29 U.S.C. 794; 34CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Separate facilities for disabled, limited English proficient or pregnant students that are comparable to the facilities for other students in the program; and</li> <li>• 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.</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>13.4 Physical</b>	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

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>Facility/Architectural Barriers 18.04(8)</b>  <b>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</b>	<p>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>
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Documentation review, interviews and observation indicate that the Kathleen Thornton School does not have a handicap accessible bathroom and the residential Cottage and Mill Pond high school building are not handicapped accessible. Children’s Study Home did not submit an alternate plan to make the educational program available to a high school student who may require handicap accessible facilities. The private school did submit an alternate plan to have a residential student who requires a handicap accessible program live at its Department of Early Education and Care (EEC) approved group home (Sharps residence) that is located on the Mill Pond campus. The residential program serves students age 6 to 13 and children living at the Sharps residence are age 13 and older. This is not an appropriate alternate plan for these residential students.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>13.5 Kitchen, Dining, Bathing/ Toilet, and Living Areas 18.04(2),(3), (4),(5)</b>	<p>The private special education program shall ensure that all kitchen, dining, bathing/toilet and living areas are of an adequate type, size and design appropriate to the ages and needs of the students. The program shall also:</p> <ul style="list-style-type: none"> <li>a. Maintain areas which are clean, well ventilated and free from hazards;</li> <li>b. Provide students with equipment, supplies and materials (e.g. kitchen equipment, dining utensils, toilets, sinks, individual furniture and storage space) which are clean, safe and appropriate to the ages and needs of the</li> </ul>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>13.8 Indoor Space 18.04(7)(a)</b>	<p>The school shall have a minimum of thirty-five (35) square feet of activity space per student exclusive of hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices or areas regularly used for other purposes.</p> <p>Additionally, all programs must:</p> <ol style="list-style-type: none"> <li>a. Ensure that all areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards;</li> <li>b. Protect all steam and hot water pipes by permanent screen guards, insulations, or any other suitable device which prevents students from coming in contact with them;</li> <li>c. Maintain room temperatures at not less than 68 degrees Fahrenheit at zero Fahrenheit outside and at not more than the outside temperature when the outside temperature is above 80 degrees Fahrenheit; and</li> <li>d. Designate space separate from classroom areas for administrative duties and staff or parent conferences.</li> </ol>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>13.9 Outdoor Space 18.04(7)(b)</b>	<p>The school shall maintain or have access to an outdoor play area of at least seventy-five square feet per student using it at any one time.</p> <p>Outdoor play areas shall be accessible to direct sunlight and free from hazards and/or 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.</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>AREA 14: REQUIREMENTS FOR DAILY CARE</b>
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<b>CRITERION NUMBER</b>	
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>15.1 Parental Involvement and Parents' Advisory Group 18.05(4)(a)</b>	<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>
	<b>Rating: Implemented</b> <b>RESPONSE REQUIRED: No</b>

**Department of Education Findings:**

*Documentation review indicates that the private school recently held its first Parents' Advisory Group meeting. It submitted a schedule of additional meeting dates for this academic year. Since the Educational Director is the staff person responsible for supporting the Parent Advisory Group and that position is currently vacant, in the interim, the duties of the Educational Director are being carried out by the Deputy Director and high school principal.*

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>15.3 Information to be translated</b>	<p>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.</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>into Languages other than English</b>  <b>Title VI;</b> <b>EEOA: 20</b> <b>U.S.C.</b> <b>1703(f);</b> <b>M.G.L. c. 76,</b> <b>s. 5; 603</b> <b>CMR</b> <b>26.02(2)</b>	
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED:                      Yes</b>

**Department of Education Findings:**

*Documentation review indicates that the private school will contract with the University of Massachusetts to hire translators or have staff members translate for students; however no evidence of translated documents was found in student records and the school did not provide the Department of Education with examples of translated documents. Interviews indicate that the parents of some students have limited English language skills and the school has not identified parents who would prefer documents to be translated so it has not been providing translated documents. Bilingual staff members have sometimes made phone calls to parents to communicate information about their child's program, but these verbal translations have not been documented.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>15.4</b> <b>Change of Student's Legal Status</b> <b>18.05(4)(b)</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>
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED:                      Yes</b>

**Department of Education Findings:**

*Documentation review indicates that the private school has developed a form to record a student's legal status, but this was not found in student records.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>15.5 Parent Consent 28.07(1)(b)</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"> <li>a. In coordination with responsible school districts, IEP-related matters</li> <li>b. Emergency medical care</li> <li>c. Medications</li> <li>d. Restraints</li> <li>e. Publicity, research, evaluation</li> <li>f. Field trips</li> <li>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</li> </ul>
	<b>Rating: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

**Department of Education Findings:**

*Review of student records and interviews indicate that the private school does not ensure that all required consents are updated annually and placed in student files.*

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>15.7</b> <b>Consent at</b> <b>Age of</b> <b>Majority</b> <b>28.07(5)</b>	<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"> <li>• The parent or other legally eligible party has petitioned and been appointed guardian by a court of competent jurisdiction</li> <li>• The student chooses to share decision-making with his or her parent</li> <li>• The student chooses to delegate continued decision-making to his or her parent or other willing adult</li> </ul> <p>(See also Criterion 15.3.)</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>15.8</b> <b>Registering</b> <b>Complaints</b> <b>18.05(1)(b)16</b>  <b>Title IX: 20</b> <b>U.S.C. 1681;</b> <b>34 CFR</b> <b>106.8; Section</b> <b>504: 29</b> <b>U.S.C. 794;</b> <b>34 CFR</b> <b>104.7; Title</b> <b>II: 42 U.S.C.</b> <b>12132; 28</b> <b>CFR 35.107;</b> <b>NCLB: Title</b> <b>X, Part C,</b> <b>Sec.</b> <b>722(g)(1)(J)(ii)</b>	<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>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:** *Documentation review indicates that the private school did not submit a copy of its published sexual harassment grievance procedures for students.*

**AREA 16: HEALTH AND MEDICAL SERVICES**

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.1 Health care Policy and Procedure Manual 18.05(9)(d) 18.05(9)(c)</b>	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.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.2 Physician Consultation 18.05(9)(a)</b>	The school shall secure the services of a licensed physician available for consultation.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.3 Nursing 18.05(9)(b)</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.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>16.4 Emergency First Aid 18.05(9)(e)</b>	<p>The school shall have written policies and procedures for emergency first aid and care including:</p> <ul style="list-style-type: none"> <li>a. Training of all direct service staff by a certified instructor in emergency first aid;</li> <li>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.</li> <li>c. Storage of and easy access to first aid supplies and health care policies and procedures in major activities areas;</li> <li>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;</li> <li>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;</li> <li>f. Procedures to be followed in the case of fire or other emergency;</li> <li>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</li> <li>h. Procedures to be followed in the case of illness or emergency if parents cannot be reached.</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>16.5 Administration of Medication 18.05(9)(f)</b>	<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"> <li>a. No medication is administered to a student without written authorization from a parent. Such authorization shall be renewed annually.</li> <li>b. No prescription medication shall be administered to a student without the written order of the physician prescribing the medication to that student.</li> <li>c. The school maintains written policies and procedures regarding</li> </ul>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>prescription and administration of medication including authorization, prepackaging and staff training.</p> <p>d. Any change of medication or dosage must be authorized by a new order from a physician.</p> <p>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.</p> <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><b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<p><b>16.6 Administration of Antipsychotic Medication 18.05(9)(f)(9)</b></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	
	<b>Legal Standard</b>
<b>16.10</b> <b>Meningococcal Disease and Vaccination MGL, Chapter 76, s.15D 105 CMR 220.700</b>	<p>All new students at private residential schools that provide education to students in grades 9-12 must:</p> <ul style="list-style-type: none"> <li>• Receive information about meningococcal disease and vaccine; and</li> <li>• Provide documentation of receipt of one (1) dose of meningococcal vaccine within the last five years or qualify for one of the exemptions to immunization established by the statute.</li> </ul>
	<b>Rating: Not Applicable</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

**Department of Education Findings:**

*The residential program at Children’s Study Home serves students age 6-13.*

**AREA 17: TRANSPORTATION SAFETY**

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>17.1</b> <b>Transportation Safety</b> <b>28.09(11)(b)</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>
	<b>Rating: Partially Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: Yes</b></span>

**Department of Education Findings:**

*Interviews and personnel record review indicate that not all residential and clinical staff members who transport students have received training in the private school's transportation policy in the previous 12 months.*

<b>AREA 18: STUDENT RECORDS</b>
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CRITERION NUMBER	
	<b>Legal Standard</b>
<b>18.1 Student Records 28.09(10)</b>	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.
	<b>Rating: Partially Implemented                      RESPONSE REQUIRED:                      Yes</b>

**Department of Education Findings:**  
*See comment under criterion 18.2.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<b>18.2 Student Records (Log of access and face sheet information) 28.09(10)</b>	<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> <ul style="list-style-type: none"> <li>a. Log of access consistent with requirements of the Massachusetts Student Record Regulations</li> <li>b. Face sheets updated at least annually with the following information: <ul style="list-style-type: none"> <li>o Name</li> <li>o Date of birth</li> <li>o Recent picture</li> <li>o Date of admission to private school</li> <li>o Name of educational case manager assigned by the public/private school program</li> <li>o Location of residential service within facility (if applicable), and name of residential case manager or supervisor</li> <li>o Date initially eligible for special education (if known)</li> <li>o Date of most recent special education evaluation(s)</li> <li>o Date of next expected 3-year reevaluation</li> </ul> </li> </ul>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>○ Starting and expiration dates of current (or most recent) IEP</li> <li>○ Primary language of student</li> <li>○ Legal status of student</li> <li>○ If under 18: in custody of both parents, one parent [specify], legal guardian [specify], other [specify]</li> <li>○ If 18 or over: makes own decisions; under legal guardianship [specify]; has shared role with parent in education decisions [specify]</li> <li>○ Other state agency/ies involved with student</li> <li>○ Parent/guardian contact information: names, addresses, home &amp; work telephone numbers, e-mails</li> <li>○ Primary language of parents/guardian</li> <li>○ Contact information of persons other than parents to be contacted in an emergency (names, addresses, telephone numbers)</li> <li>○ Educational surrogate contact information (if applicable)</li> <li>○ Notation of allergies and/or any other medical condition affecting student's well-being (e.g., seizures)</li> <li>○ Information specific to the student regarding the handling of medical emergencies</li> </ul> <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><b>Rating: Partially Implemented</b>                      <b>RESPONSE REQUIRED: Yes</b></p>

**Department of Education Findings:**

*Student record review indicates that the face sheet form does not contain space to record all required information including name of educational case manager, any information on IEP dates, legal status of student and language of foster parent if applicable. Behavior plans were not found in any student records.*

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