



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

Center for Human Development

PACE School

PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW DRAFT REPORT OF FINDINGS

Dates of Onsite Visit: April 7-9, 2008

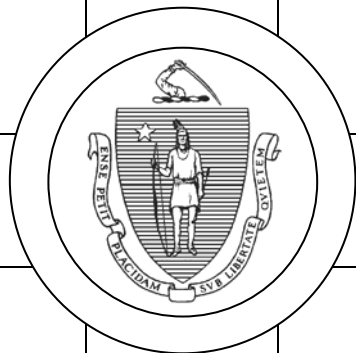
Date of Draft Report: July 7, 2008

Due Date for Comments: July 21, 2008

Date of Final Report: October 6, 2008

Action Plan Due: November 24, 2008

**Department of Elementary and Secondary Education Onsite Team Members:
Sandra K. Hanig, Chairperson
Stacey Klasnick**



Mitchell D. Chester, Ed.D., Commissioner of Elementary and Secondary Education

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

PACE School

Table of Contents

OVERVIEW OF REVIEW PROCEDURES 3

PRIVATE SCHOOL PROGRAM REVIEW ELEMENTS..... 3

DEFINITION OF TERMS FOR FINDINGS..... 8

AREA 1: REQUIRED INFORMATION, NOTIFICATIONS AND POSTINGS..... 9

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION..... 10

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS 12

AREA 4: DISCLOSURE OF INFORMATION..... 15

AREA 5: ADMISSIONS PROCEDURES AND COORDINATION/COLLABORATION WITH
SCHOOL DISTRICTS 18

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT LEARNING TIME..... 19

AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS -- CURRICULUM FRAMEWORKS
AND STATE ASSESSMENTS 22

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION
PROGRAMS 23

AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT DISCIPLINE AND
BEHAVIOR MANAGEMENT..... 26

AREA 10: EDUCATIONAL STAFFING REQUIREMENTS -- STUDENT:TEACHER AND
STUDENT:CHILDCARE WORKER RATIOS 32

AREA 11: EDUCATIONAL STAFFING REQUIREMENTS -- PERSONNEL POLICIES,
QUALIFICATIONS, RESPONSIBILITIES..... 34

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING 39

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS..... 43

AREA 14: REQUIREMENTS FOR DAILY CARE..... 46

AREA 15: PARENT AND STUDENT INVOLVEMENT 48

AREA 16: HEALTH AND MEDICAL SERVICES 51

AREA 17: TRANSPORTATION SAFETY 56

AREA 18: STUDENT RECORDS..... 57

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

APPROVED PRIVATE SCHOOL PROGRAM REVIEW REPORT

OVERVIEW OF REVIEW PROCEDURES

INTRODUCTION

The Massachusetts Department of Elementary and Secondary Education is required under M.G.L. c. 71B, §10 to review special education programs in approved private special education schools that serve publicly funded students under the provisions of Board of Education Regulations 603 CMR 28.00 and 18.00. Each private school submits an application for approval by the Department of Elementary and Secondary Education and periodically updates information included in the application on how special education services are provided. Each year, the Department's Program Quality Assurance Services unit conducts onsite visits to selected approved private schools to verify the implementation of their applications. The selected schools for 2007-2008 review cycle were notified in October 2007 of scheduled visits and were encouraged to assess themselves before the arrival of the Department's visiting team.

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

Private School Program Review Elements

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

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

Content: The Program Review criteria encompass key elements drawn from 603 CMR 18.00 and 28.00 and the private school's application for approval. The elements selected for the 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 parents.
- Review of student records: A sample of student records is selected for detailed review by the Department of Elementary and Secondary Education. Student records are examined first by the school's staff and then verified by the onsite team using standard Department student record review procedures in order to make determinations regarding the implementation of procedural and programmatic requirements. Parents of students whose files were selected for the record review are provided an opportunity to be interviewed by telephone.
- Observation of classrooms and other facilities: Instructional classrooms and school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities. Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the school's implementation of special education programs, related services, and procedural requirements.

Response: A detailed report of findings describes determinations about the implementation status of each requirement (criterion) reviewed. Included in the findings are commendations for those criteria that have been implemented in an exceptional manner. Where criteria are identified as not fully implemented, the private school must propose corrective action to bring those areas into compliance with the controlling statutes or regulations. **Under new federal *Special Education State Performance Plan* requirements pursuant to IDEA-2004, public and private schools serving disabled students must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department's Final Program Review Report.**

Private schools are encouraged to incorporate the corrective action into their program improvement planning, as well as their professional and paraprofessional staff development plans.

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

REPORT INTRODUCTION

A two-member Massachusetts Department of Elementary and Secondary Education team visited PACE School during the week of April 7, 2008 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 2004 (IDEA-04). The team appreciated the opportunity to interview staff and parents, to observe classroom facilities, and to review the program efforts underway in the school.

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

- Interviews of two administrative staff
- Interview of one clinical staff
- Interviews of six teaching and educational support services staff.
- Interviews of four parents of Massachusetts students enrolled in the school.
- Student record review: A sample of ten Massachusetts student records was selected by the Department. Student records were first examined by the school's staff and then verified by the onsite team using standard Department of Elementary and Secondary Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Personnel record review: A sample of nine personnel records was selected by the Department. Personnel records were first examined by the school's staff and then verified by the onsite team using standard Department of Elementary and Secondary Education personnel record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Observation of classrooms and other facilities: All instructional classrooms and other school facilities used in the delivery of programs and services were visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities: thirty parents of students with disabilities were sent surveys that solicited information about their experiences with the school's implementation of special education programs, related services and procedural requirements. Two of these parent surveys were returned to the Department of Elementary and Secondary Education for review.

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

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

PACE School

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

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 1: Required Information, Notifications And Postings	1.2		
Area 2: Administration -- Legal And Financial Documentation			
Area 3: Administration -- Manuals And Handbooks	3.1, 3.2		
Area 4: Disclosure Of Information			
Area 5: Admissions Procedures And Coordination/Collaboration With School Districts			
Area 6: Educational Program Requirements -- Student Learning Time	6.1, 6.2		
Area 7: Educational Program Requirements -- Curriculum Frameworks And State Assessments			
Area 8: Educational Program Requirements -- Individualized Education Programs	8.4, 8.8, 8.11		
Area 9: Educational Program Requirements -- Student Discipline And Behavior Management	9.5, 9.6		

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 10: Educational Staffing Requirements -- Student:Teacher And Student:Child-Care Worker Ratios	10.2		
Area 11: Educational Staffing Requirements -- Personnel Policies, Qualifications, Responsibilities	11.4		
Area 12: Educational Staffing Requirements -- Staff Training			
Area 13: Physical Facility And Equipment Requirements			
Area 14: Requirements For Daily Care			
Area 15: Parent And Student Involvement	15.1, 15.3, 15.4, 15.5		
Area 16: Health And Medical Services	16.7		
Area 17: Transportation Safety			
Area 18: Student Records	18.1		

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

DEFINITION OF TERMS
FOR THE RATING OF EACH COMPLIANCE CRITERION

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

AREA 1: REQUIRED INFORMATION, NOTIFICATIONS AND POSTINGS

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

CRITERION NUMBER	
	Legal Standard
	<p>services’ – which enable eligible students to be educated to the maximum extent possible with non-disabled students.” These may include aids and services that would typically be available in a less restrictive setting, and their availability would be helpful when the student can be placed in a less restrictive placement (e.g., adapted text, enlarged print, graph paper, peer tutor).</p> <p>Additionally For Residential Programs Only:</p> <ul style="list-style-type: none"> • The educational component of a residential program must reflect the 24-hour nature of the program and indicate how residential services and educational services will be fully coordinated pursuant to 603 CMR 28.09(2)(a)(2).
	<p>Rating: Partially Implemented Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

PACE School has been approved by the Department of Elementary and Secondary Education to enroll an average of 45 students. Review of the written narrative description of the private school’s Program and Student Description incorrectly states that PACE School has an operational capacity of 50 students.

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION

CRITERION NUMBER	
	Legal Standard
<p>2.1 Legal and Financial Status</p> <p>28.09(2)(b)(4)</p>	<p>Provide a description of the legal status including names of individuals and principal parties with ownership, oversight, and key administrative responsibilities.</p> <ul style="list-style-type: none"> • Provide the name of Chief Financial Officer • Provide a copy of the last DOE approved Program Budget(s) that clearly indicate all FTEs and programmatic expenditures (i.e., Program Consultants, staff training, supplies and materials) that comprise the proposed/current tuition rate(s) <ul style="list-style-type: none"> o Any expenses beyond staffing must be clearly indicated on the Program Budget, well defined, and thoroughly described in the program application (i.e., consultants, staff training).
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
102 CMR 3.00 (NA to Day Schools)	
	Rating: Not Applicable Response Required: No

Department of Elementary and Secondary Education Comment:

PACE School is approved by the Department of Elementary and Secondary Education as a private day school.

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS

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

CRITERION NUMBER	
	Legal Standard
	<p>English proficient (LEP) students (Criterion 8.4);</p> <ul style="list-style-type: none"> • IEP Progress Reports (Criterion 8.8); • Preparations for students returning to a public school or other less restrictive setting (Criterion 8.10); • Preparations for students approaching or reaching ages 16 and 18, later education, and adult life, consistent with IDEA 2004 requirements regarding transition and with state age-of-majority law (Criterion 8.11 and 8.12); • Policies and procedures for Behavior Management (Criterion 9.1); • Student Separation Resulting From Behavior Management (Criterion 9.1(a)); • Student Discipline Code M.G.L. c. 71, § 37H (Public Day Programs only) (Criterion 9.2); • Runaway Students (Criterion 9.3); • Physical restraint (Criterion 9.4); • 3-5 Day Suspensions (Criterion 9.5); • 10+ Day Suspensions (Criterion 9.6); • Terminations (Criterion 9.7); • Supervision of Students (Criterion 11.11); • New Staff Orientation and Annual In-Service Training (Criteria 12.1, 12.2); • Evacuation and Emergency Procedures (Criterion 12.2(f)); • Visiting, Mail and Telephones (Criterion 14.4); • Parent Involvement (Criterion 15.1); • Change of Student’s Legal Status (Criterion 15.4); • Consent - Research, Experimentation, Fundraising, Publicity, and Observation (Criterion 15.5); • Registering Complaints and Grievances – parents, students and employees (Criterion 15.8); • Student Transportation and Transportation Safety (Only where applicable) (Criterion 17.1); and • Participation of the private or public school program as well as school district representatives at the TEAM and other key meetings, including reviewing/revising the IEP
	<p>Rating: Partially Implemented Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

Documentation review and interviews indicate that although PACE School has developed all required policies and procedures and made them available to parents upon request, they did not maintain them onsite in the form of a policies and procedures manual as required.

CRITERION NUMBER	
	Legal Standard
	<ul style="list-style-type: none"> No smoking policy pursuant to G.L. c. 71, § 37H (Criterion 16.12).
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Documentation and interviews indicate that although all required health care policies and procedures were current and available to parents upon request, PACE School did not maintain them onsite in the form of a health care policies and procedures manual as required.

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER	
	Legal Standard
4.2 Public Information and Postings 28.09(6)(a, b, c, d, e); 28.09(2)(b)(4)	<p>Each approved special education school maintains onsite and makes available for public review the following:</p> <ul style="list-style-type: none"> Program information including a statement of purpose; General description of the educational program; Organizational chart; Tuition rates; Documentation of the Department of Early Education and Care licensing status (for residential schools only); Documents granting authority to operate the school and fully identify ownership, such as the names of officers, boards, charters, partnership agreements, articles of organization, and by-laws; and, All required policies and procedures. <p>The following information must be publicly posted:</p> <ul style="list-style-type: none"> First aid, medical and emergency procedures; Emergency telephone numbers; and, A list of student food allergies in all appropriate areas.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
<p>4.4 Advance Notice of Proposed Program/Facility Change</p> <p>28.09 (5)(c)</p>	<p>The program notifies the Department using the Department’s Form 1 and also notifies school districts and parents of any new policies and procedures and/or changes in current policies and procedures.</p> <p>Prior to any substantial change to the program or physical plant, the special education school provides written notification of intent to change to the Department. Notice shall be given with sufficient time to allow the Department to assess the need for the proposed change and the effects of such change on the educational program. The Department shall provide response within thirty days if such change may affect the approval status of the program. 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.</p> <p>Examples of changes include, but are not limited to:</p> <ul style="list-style-type: none"> • Temporary inability to provide IEP services due to lack of qualified staff; • Temporary inability to maintain staff to student ratios due to lack of staff; • Addition to, loss of, or significant remodeling to buildings where students live or have classes or other IEP services; • Major changes in the population to be served; • Any alteration of the service configuration of the program as last approved by the Department; and • Significant changes in education philosophy or delivery of services. <p>The school shall have a written procedure describing how it notifies the Department of substantial changes within it program and identifying the person responsible for making this notification.</p>
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
<p>4.5 Immediate Notification</p>	<p>For <u>all</u> students (regardless of state of residency), the program makes immediate notification to the parent, the public school district special education administrator, and to any state agency involved in the student’s care or placement (by telephone and letter), and the Department of Elementary and Secondary Education (by</p>

CRITERION NUMBER	
	Legal Standard
18.03(10); 18.05(7); 28.09(12) (a, b)	<p>telephone and Form 2) of the following incidents:</p> <ul style="list-style-type: none"> • Death of a student • 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 • Injury of a student in a motor vehicle accident • A medication error (i.e., student misses a medication administration, is administered the wrong medication, or is administered the wrong dose of medication) • A student runs away from the program • 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"> 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 Elementary and Secondary Education. • 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 • Any action taken by a federal, state or local agency that might jeopardize the school's approval with the Department. • 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 <p>The school shall have a written procedure describing how it notifies all appropriate parties of serious incidents within it program and identifying the person responsible for making this notification.</p>
	Rating: Implemented Response Required: No

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

CRITERION NUMBER	Legal Standard
<p>5.1 Student Admissions</p> <p>28.09(11); 18.05(1)(b)(1- 17); 18.05(2)</p>	<p>The program develops and implements a written admissions policy that includes the following:</p> <ul style="list-style-type: none"> • Copies of the school’s policies and procedures that must be provided to the student (if appropriate), parents and the placing public school district prior to admission of the student • A statement that admissions policies and procedures are to be made available to parents and students at any time upon request • Documentation from a licensed physician of a complete physical examination of the student not more than twelve (12) months before admission <ul style="list-style-type: none"> o In the event of emergency placements, the school shall make provisions for a complete examination of the student within 30 days of admission. • A narrative description of the student admission interview process which includes parent and student orientation <p>Prior to admission, the school shall provide to the parents and the local school district a written copy of the school’s policies and procedures, including:</p> <ol style="list-style-type: none"> 1. The school's statement of purpose; 2. The type of services provided; 3. Admission criteria; 4. Parents' rights as described in 18.05(4); 5. Health care, including provisions for emergency health care and/or hospitalization as described in 18.05(9); 6. Planning for both foreseen and emergency terminations as described in 18.05(6), (7); 7. Discipline and behavior management, including physically abusive behavior by a student to himself/herself or others, and proper use of non-violent restraints as described in 18.05(5); 8. Activities related to daily living skills; 9. Contractual obligations with regard to payment for services. The school shall inform in writing any party, other than a local school district, responsible for placement of a student that said party is financially responsible for any costs incurred as a result of any placement not made pursuant to the requirements of 603 CMR 28.00; 10. Clothing requirements; 11. A description of normal daily routines; 12. Any specific treatment strategy employed by the facility; 13. A description of any normally occurring religious practices;

CRITERION NUMBER	
	Legal Standard
	<p>14. Visiting hours and other procedures related to communication with students and the facility as described in 18.03(9)(a);</p> <p>15. Name and telephone number of a staff person whom the parents may contact on an ongoing basis;</p> <p>16. A description of a procedure which the parents or student may use to register complaints regarding the student's education and care at the facility; and,</p> <p>17. A copy of the approved calendar.</p> <p>There shall be a written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3)(f).</p>
	<p>Rating: Implemented Response Required: No</p>

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT LEARNING TIME

CRITERION NUMBER	
	Legal Standard
<p>6.1 Daily Instructional Hours</p> <p>603 CMR 27.00; 28.09(9)(a)</p>	<p>Unless otherwise approved by the Department of Elementary and Secondary Education, the public/private special education program provides an average annual minimum of the following instructional hours:</p> <ul style="list-style-type: none"> • Elementary – A total of: <ul style="list-style-type: none"> 10 month program – 900 hours 11 month program – 990 hours 12 month program – 1080 hours • Secondary – A total of: <ul style="list-style-type: none"> 10 month program – 990 hours 11 month program – 1089 hours 12 month program – 1188 hours

CRITERION NUMBER	
	Legal Standard
	<p>The public/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 (including physical education for all students, required by M.G.L. c. 71, § 3), within the required school year schedule. Where the public/private special education program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.</p> <p>NOTE: The public/private special education program ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02. The school's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students); independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit); technology-assisted learning; presentations by persons other than teachers; school-to-work programs; and statewide student performance assessments.</p>
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews indicate that students participate in school-to-work opportunities (carpentry), community service at a local elementary school, and shopping as an incentive of the behavioral management system. The private school includes these activities as structured learning time, but they are not indicated on students' block schedules.

CRITERION NUMBER	
	Legal Standard
6.1(a) Physical Education Requirement M.G.L. c. 71 § 3	<p>The public/private special education program shall have a written plan 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>NOTE: Physical education classes are to be considered part of the student's structured learning time.</p>
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
6.2 School-to-Work 603 CMR 27.02; 27.04	Where the public/private special education program counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Review of student records indicates that some students have IEP goals for school-to-work opportunities, but PACE School did not submit a copy of guidelines that explain how hours spent by students are verified.

CRITERION NUMBER	
	Legal Standard
6.4 School Days Per Year 603 CMR 27.05(2); 28.09(9)(a)	<p>All approved special education schools shall meet or exceed the student learning time requirements for public school students set forth at 603 CMR 27.00 and shall ensure that such requirements are met for individual students unless the student's IEP requires otherwise.</p> <p>Additionally, all public/private special education programs are run for the following minimum number of days (exclusive of weekends, holidays, and vacations):</p> <ul style="list-style-type: none"> • 10 month program - 180 days • 11 month program – 198 days • 12 month program – 216 days <p>Before the beginning of each school year, the public/private special education program sets a school year schedule for each program. This schedule must include at least five additional school days to account for unforeseen circumstances (i.e., snowstorms).</p>
	Rating: Implemented Response Required: No

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

CRITERION NUMBER	
	Legal Standard
7.1 Curriculum Frameworks 28.05(4)(a, b); 28.09(9)(b)	<p>All private/public programs must take steps to provide <u>all</u> students with essential learning opportunities that prepare the students to reach the state graduation standards.</p>
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
7.3 State/District Wide Assessments 28.09(9)(d)	<p>All approved special education schools shall have written procedures outlining how such schools 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.</p>
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
7.4 High School Diplomas and Certificates	<p>The public/private special education program shall have a written policy that describes how it awards students either a high school diploma or a certificate that recognizes achievement, attendance, course completion, or participation.</p>

CRITERION NUMBER	
	Legal Standard
of Attendance M.G.L. c. 69, § 1D; Administrative Advisory SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements- Participation in MCAS Testing and High School Graduation Standards	<p>The policy must be written following the requirements set forth in Administrative Advisory SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements- Participation in MCAS Testing and High School Graduation Standards.</p>
	Rating: Implemented Response Required: No

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION PROGRAMS

CRITERION NUMBER	
	Legal Standard
8.4 Program Modifications and Support Services for Limited English Proficient Students	<p>The program shall develop a written plan for working with public school districts to implement necessary program modifications and support services to identify and effectively serve limited English proficient (LEP) students. Such program modifications and support services comply with applicable state law (M.G.L. c. 71A) and federal law (Title VI).</p> <p>Unless the student's IEP specifies otherwise or the student has received a waiver, the student must receive sheltered content instruction and additional instruction in</p>

CRITERION NUMBER	
	Legal Standard
M.G.L. c. 71A; Title VI	English as a Second Language. Also, the student must be afforded the same opportunity to access and participate in the program's services, activities and other benefits as all other students.
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Documentation review indicates that PACE School has a written policy on provision of services for limited English proficient students that meets requirements. Student record review and interviews, however, indicate that students who have been identified as limited English proficient do not receive sheltered content instruction or instruction in English as a Second Language.

CRITERION NUMBER	
	Legal Standard
8.5 Current IEP & Student Roster 28.09(5)(a)	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 and dated by the student's parent(s) (or student, when applicable).
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
8.8 IEP – Progress Reports State: 28.07(3); Federal 20 U.S.C. Chapter 33,	The IEP must contain a description of: <ul style="list-style-type: none"> • How the child's progress toward meeting the annual goals will be measured; and • When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided. Progress reports must include written information on the student's progress toward the annual goals in the IEP. The program shall send copies of progress reports to the parents and public school (if

CRITERION NUMBER	
	Legal Standard
Section 1414(d)(1)(A)(viii); 34 CFR 300.320(a)(3)(i, ii)	student is in a collaborative or private placement).
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Documentation review indicates that PACE school's policy states it will send quarterly reports on each student's progress toward IEP goals and narratives. When reviewing student records, quarterly IEP progress reports were not always found. In addition, the narrative portion of several progress reports indicate that the student was not making sufficient progress toward meeting the IEP goals and goals would be continued for the next IEP period; there was no documentation of contact with the sending public school regarding concern of the student's lack of progress.

CRITERION NUMBER	
	Legal Standard
8.10 IEP – Less Restrictive Placement 28.09(9)(c)	The program has a written plan that describes opportunities for enrolled students to gain the capacity to return to a less restrictive educational program.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
8.11 IEP - Transition Planning	The program has a written plan that addresses transition planning and working with the responsible school district to discuss a student's transition needs at the IEP team meeting. If appropriate, the Team considers specially designed, measurable goals based on age-appropriate transition assessments related to training, postsecondary education, employment and, where appropriate, to independent living skills.

CRITERION NUMBER	
	Legal Standard
34 CFR 300.347(b)(1, 2)	
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Student record review indicated that not all student records for students age 15 or older contained the required Massachusetts Department of Elementary and Secondary Education Transition Planning Form. Interviews indicated that PACE School does hold separate transition meetings for individual students.

CRITERION NUMBER	
	Legal Standard
8.12 IEP - Transition Services 28.05(4)(c)	The program has a written plan for working with school districts to determine whether a student approaching graduation or the age of twenty-two is likely to require continuing services from adult human service agencies.
	Rating: Implemented Response Required: No

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

CRITERION NUMBER	
	Legal Standard
9.1 Policies and	The program develops a comprehensive set of policies and procedures dealing with discipline and behavior management that meet all federal and state special education

CRITERION NUMBER	
	Legal Standard
<p>Procedure for Behavior Management</p> <p>18.03(7)(b)(2); 18.05(5, 6, 7); 28.09(11); 603 CMR 46.00; DOE Advisory on Restraint in Special Education Programs dated 12/20/05</p>	<p>requirements.</p> <p>These policies and procedures are consistently implemented.</p> <p>The following behavior management procedures, if used in the facility, must contain a definition and a description:</p> <ul style="list-style-type: none"> • Level/point systems of privileges, including procedures for the student’s progress in the program; • The type and range of restrictions a staff member can impose for behavior which is unacceptable, including suspension and termination; • The form of restraint used in an emergency; the behavioral interventions used as alternatives to restraint, and the controls on abuse of such restraints (See 603 CMR 46.00 and 12/20/05 Advisory on Restraint); • The use of practice separating a student from a group or program activity; and • Any denial or restrictions of on-grounds program services <p>Note: Meals shall not be withheld as a form of punishment or behavior management. No student shall be denied or unreasonably delayed a meal for any reason other than medical prescriptions.</p>
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
<p>9.1(a) Student Separation Resulting From Behavior Management</p> <p>18.05(5)(i); 46.02(5)(b)</p>	<p>Any behavior management policy, which results in a student being separated in a room apart from the group or program activities, shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> 1. Guidelines for staff in the utilization of such an area; 2. Persons responsible for implementing such procedures; 3. The duration of the procedures including procedures for approval by the chief administrative person or his/her designee for any period longer than 30 minutes; 4. Requirement that students shall be observed at all times and in all parts of the room, and that the staff shall be accessible at all times; 5. A means of documenting the use of time-out for an individual student, including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who monitored the student during the time out. <ul style="list-style-type: none"> • Time out rooms shall not be locked. • Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented Response Required: No

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

Department of Elementary and Secondary Education Comment:

PACE School is approved by the Department of Elementary and Secondary Education as a private day school .

CRITERION NUMBER	
	Legal Standard
9.3 Runaway Students 18.03 (10)	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. These policies must be approved by the Department of Elementary and Secondary Education.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
9.4 Physical Restraint 18.05(5); 603 CMR 46.00	<p>All public/private programs must obtain annual parent/guardian consent.</p> <p>A public or private <u>day</u> educational program must develop a policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.</p> <p>A residential educational program must comply with the EEC restraint requirements contained in 102 CMR 3.00 for all students enrolled in such program.</p> <p>A private school educational program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p>
	Rating: Implemented Response Required: No

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

CRITERION NUMBER	
	Legal Standard
	NOTE: Sending a student home “early” is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Education.
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews indicate that students have been suspended in this academic year and that PACE School has not developed a system to document the number and duration of suspensions for each student. Documentation review also indicates that PACE School has developed a letter to send to guardians when a student is suspended, however these were not found in student records.

CRITERION NUMBER	
	Legal Standard
9.6 10+ Day Suspensions 34 CFR 300.530 - 537	<p>The public/private special education program implements the following procedures when suspensions constitute a change of placement. A suspension is a change of placement when: 1) it exceeds 10 consecutive school days or 2) it is one of a series of suspensions that constitute a pattern under 34 CFR 300.536.</p> <ol style="list-style-type: none"> 1. A request is made of the student's responsible school district to convene an IEP Team meeting prior to a suspension that constitutes a change in placement of a student with disabilities. 2. The private school participates in the Team meeting: <ul style="list-style-type: none"> o To develop or review a functional behavioral assessment of the student’s behavior and to develop or modify a behavior intervention plan; o To identify appropriate alternative educational setting(s); and o To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior). 3. If the Team determines that the behavior is <u>NOT</u> a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student that may be in some other setting. 4. If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

The Department is not able to verify if a student has reached 10 days of suspension because PACE School does not have a system to track the number of suspensions for each student.

CRITERION NUMBER	
	Legal Standard
9.7 Terminations 18.05(7); 28.09(12)(b)	<p>The program develops a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations, as described below:</p> <ul style="list-style-type: none"> a. Planned Terminations: the public/private special education program shall notify the public school district of the need for an IEP review meeting and provides notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date. b. Emergency Terminations: In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program shall follow the procedures required under 603 CMR 28.09(12)(b) and immediately notify the Department of Elementary and Secondary Education. The special education school shall not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student. At the request of the public school district, the special education school shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination from the special education school program. With the mutual agreement of the approved special education school and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.
	Rating: Implemented Response Required: No

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

CRITERION NUMBER	
	Legal Standard
10.1 Student: Teacher Ratios 26.06(6)(d); 28.09(7)(e)	<p>The public/private special education program ensures that instructional groupings do not exceed:</p> <ul style="list-style-type: none"> • 8 students to one certified teacher without an aide • 12 students to one certified teacher with an aide <p>If instructional groupings exceed the above requirements, the public/private special education program must clearly identify the student:teacher ratios and provide a rationale that explains how the needs of the student population are being met as described in Criterion 1.2.</p>
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
10.2 Age Range 28.06(6)(f, g)	<p>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).</p>
	<p>Rating: Partially Implemented Response Required: Yes</p>

Department of Elementary and Secondary Education Finding:

Interviews indicate that PACE School staff members review the birth date of each student before making class assignments to ensure compliance with this Department regulation. The private school, however; did not submit block schedules with the birthdates of students in each class grouping. Therefore, the Department was unable to verify compliance.

CRITERION NUMBER	
	Legal Standard
10.3 Programs for Young Children 28.06(7)	The program shall ensure that all substantially separate classrooms for young children (3 and 4 year olds) do not exceed nine (9) students with one teacher and one aide.
	Rating: Not Applicable Response Required: No

Department of Elementary and Secondary Education Comment:

PACE School is approved by the Department of Elementary and Secondary Education to serve students age 12 – 22.

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

Department of Elementary and Secondary Education Comment:

PACE School is approved by the Department of Elementary and Secondary Education as a day school.

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
11.3 Educational Administrator Qualifications 28.09(5)(a); 28.09(7)(a); 603 CMR 44.00	<p>At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned to supervise the provision of special education services in the school and to ensure that the services specified in each student’s IEP are delivered. The educational administrator shall either possess licensure as a special education administrator or possess all of the following:</p> <ul style="list-style-type: none"> • License as a special educator; • A minimum of a master's degree in special education or a related field; and • A minimum of one year of administrative experience. <p>The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.</p> <p>The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04.</p>
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
11.4 Teachers (Special Education Teachers and Regular Education Teachers) 18.05(11)(f);	<p>The public/private special education program must ensure that all teaching staff have teaching licenses appropriate to meet the needs of the population being served pursuant to the requirements of 603 CMR 7.00 and, additionally, must adhere to the following requirements:</p> <ol style="list-style-type: none"> a. All teaching staff shall be re-licensed pursuant to the requirements of 603 CMR 44.00 including obtaining supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04. b. At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the school; other teaching staff may be licensed in other educational areas, in order to provide for content expertise in

CRITERION NUMBER	
	Legal Standard
28.09(5)(a); 28.09(7)(b, c)	<p>the general curriculum. The Department of Elementary and Secondary Education may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services.</p> <p>c. To the extent that teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.</p>
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Review of the Teacher Roster and personnel files, as well as interviews, indicate that fifty percent of teachers are not licensed in special education and while all four teachers have a waiver or license in a content area, all teachers do not have a current license or waiver to teach the grade level and subject matter for the classes they are assigned.

CRITERION NUMBER	
	Legal Standard
11.5 Related Services Staff 28.09(7)(d)	<p>All staff providing or supervising the provision of related services shall be appropriately certified, licensed or registered in their professional areas.</p> <p>Any staff members providing educational interpreting for students who are deaf or hard of hearing in public schools, approved special education schools and collaborative schools must be registered through the Massachusetts Commission for the Deaf and Hard of Hearing. This includes staff members who are identified as educational interpreters or oral transliterators or someone who fulfills that role but is not identified as an interpreter.</p>
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
11.6 Master Staff	The public/private special education program maintains a master list of ALL staff for every position within the program. This list must include job titles along with their

CRITERION NUMBER	
	Legal Standard
Roster 28.09(7)	<p>corresponding UFR title numbers for private programs, and full-time equivalents (FTE's) for public and private programs. This list may include, but is not limited to:</p> <ul style="list-style-type: none"> • Administrators • Special education teachers • General education teachers • Related services professional staff • Registered Nurses • Direct (child) care workers • Direct (child) care supervisors • Clerical and maintenance staff • Psychologists • Social workers • Food service staff • Consultants
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
11.7 Job Descriptions 18.05(11)(d)	<p>The public/private special education program has written job descriptions for all staff positions that shall be made available to staff as well as parents, if requested.</p>
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
11.9 Organizational Structure 28.09(7)	The program shall demonstrate that its organizational structure provides for the effective and efficient operation of the school, supervision of school staff, and supervision of students.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
11.10 Supervision of Direct Care Day & Residential Staff 18.03(4)	Each program shall provide ongoing and regular supervision of all childcare workers by a professional staff person who has supervisory and administrative responsibility within the school. Regularly scheduled conferences must occur between childcare workers and supervisors; and between teachers, childcare workers and other educational personnel.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
11.11 Supervision of Students 18.03(1)(b)(1-5)	The program shall develop and implement a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any school-related activity on and off school grounds. This plan must include arrangements for individual and group recreational programs appropriate to the age, interests, and needs of each student with assigned staff as appropriate.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
<p>11.12 Equal Access</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106, 106.; Section 504: 29 U.S.C. 794; 34 CFR 104,104 ; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; M.G.L. c. 76, § 5; 603 CMR 26.06; 603 CMR 28.03(1)(b)</p>	<p>The program provides all students with equal access to services, facilities, activities and benefits regardless of race, color, gender, religion, national origin, sexual orientation, disability or homelessness.</p> <ul style="list-style-type: none"> • The school provides equal opportunity for all students to participate in intramural and interscholastic sports • Extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, gender, color, religion, national origin, sexual orientation, disability, or homelessness. • When a program provides separate facilities, activities or services to students based on disability, the program must ensure that such facility, activity or service is comparable to other facilities, activities or services provided by the district or school, including those provided to students without disabilities.
	<p>Rating: Implemented Response Required: No</p>

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING

CRITERION NUMBER	
	Legal Standard
<p>12.1 Staff Orientation and Training</p>	<p>The public/private special education program shall develop a written plan for staff orientation and training that is consistent with the needs of the student population and includes an orientation-training program for all new staff to ensure an understanding of the school’s philosophy, organization, program, practices and goals.</p>

CRITERION NUMBER	
	Legal Standard
18.05(11)(g, i) 28.09(7)(f)	<p>Initial staff orientation shall include provision for training in emergency procedures, behavior management procedures and requirements related to student protections as provided in 603 CMR 28.09(12).</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>If applicable, the training plan includes provisions for the orientation of interns, volunteers or others who work at the program.</p> <p>*New staff may not be assigned direct care duties with students until they have participated in all mandated trainings listed under criterion 12.2 a-e through their orientation program.</p>
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
12.2 In -Service Training Plan and Calendar 28.09(7)(f); 28.09(9)(b); 28.09(10); 18.03(3); 18.05(9)(e)(1) ; 18.05(10); 18.05(11)(h) Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C.	<p>All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all staff</u>:</p> <ol style="list-style-type: none"> a. Reporting abuse and neglect of students to the Department of Social Services and/or the Disabled Persons Protection Commission; b. Disciplinary and Behavior Management Procedures used by the program, such as positive reinforcement, point/level systems, token economies, time-out procedures and suspensions and terminations; as well as Restraint Procedures including de-escalation methods used by the program; c. Runaway policy; d. Emergency procedures including, but not limited to, utilization of the alarm system, evacuations in instances of fire or natural disaster; and e. Civil rights responsibilities (discrimination and harassment). <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all teaching staff</u>:</p> <ul style="list-style-type: none"> • Curriculum alignment with the Massachusetts Curriculum Frameworks • Procedures for inclusion of all students in MCAS testing and/or alternate

CRITERION NUMBER	
	Legal Standard
1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2, 3)	<p>assessments</p> <ul style="list-style-type: none"> • Student record policies and confidentiality issues <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually <u>to appropriate staff based on their job responsibilities</u>:</p> <ul style="list-style-type: none"> • CPR training and certification; • Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects); • Transportation safety (for staff with transportation-related job responsibilities); • Student record policies and confidentiality issues (for staff who oversees, maintain or access student records).
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
12.2(a) Details about Required Training - Behavior Management and Restraint Training 18.05(5, 6, 7)	<p>Training on behavior management and suspension and termination procedures includes:</p> <ul style="list-style-type: none"> • Program’s student conduct/discipline code • Description of safeguards for students’ emotional, physical, and psychological well-being • Policies on use of time-out procedures • Techniques for dealing with disruptive and violent behavior • Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy * • 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 • Procedures for obtaining parental consent, if appropriate, for behavior management procedures
	Rating: Implemented Response Required: No

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

CRITERION NUMBER	
	Legal Standard
12.2(d) Details about Required Training-Medication Training 18.05(9)(f)(3)c	Training about the nature of a medication, potential side effects and any special precautions or requirements shall be provided by a physician or registered nurse to all staff providing care or instruction to students for whom any staff administers medication.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
12.2(f) Details about Required Training-Emergency Procedures	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: <ul style="list-style-type: none"> • Help all students to understand the nature of the drills • Make special provisions for the evacuation of any mobility-impaired student in the facility

CRITERION NUMBER	
	Legal Standard
	<p>needs of the students enrolled in the school.</p> <p><u>Classroom Space:</u> Each room or area that is utilized for the instruction of students shall be adequate with respect to the number of students, size and age of students and students' specific educational needs, physical capabilities and educational/vocational activities.</p> <p><u>Indoor Space:</u> 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><u>Additionally, all programs must:</u></p> <ul style="list-style-type: none"> • Ensure that all areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards; • 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; • 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 • Designate space separate from classroom areas for administrative duties and staff or parent conferences.
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
<p>13.4 Physical Facility/ Architectural Barriers</p> <p>18.04(8); Section 504: 29 U.S.C. 794; 34 CFR 104.21,104.22</p>	<p>The public/private special education program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the school buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All schools receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>A school which enrolls students requiring wheelchairs shall have at least one entrance without steps and wide enough for a wheelchair, for each building utilized in carrying out the IEPs for such students.</p> <p>If any part of the program is not accessible to students with limited physical</p>

CRITERION NUMBER	
	Legal Standard
; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114	mobility, a plan and timetable is provided that describes how the school will make all programs and appropriate buildings accessible.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
13.7 Library/ Resource Room 18.04(6)(b)	In addition to the regular instructional area, the school shall have a separate library or resource room (or comparable instructional resource area approved by the Department of Elementary and Secondary Education) that contains a variety of materials appropriate to the age and abilities of the students enrolled, and is available to all enrolled students.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
13.9 Outdoor Space 18.04(7)(b)	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. 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.
	Rating: Implemented Response Required: No

AREA 14: REQUIREMENTS FOR DAILY CARE

CRITERION NUMBER	
	Legal Standard
14.1 Clothing, Grooming and Hygiene 18.03(5)	<p>The school shall make provisions with parents or, where appropriate, state agencies, to ensure that all students are provided with adequate, clean, appropriate and seasonal clothing as well as with personal grooming and hygiene articles and materials necessary to meet his/her individual needs. The provision of such articles shall not be contingent upon behavior and may not be part of a level or privilege system.</p>
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
14.2 Food and Nutrition 18.03(7)	<p>The school's staff shall understand the nutritional and special dietary requirements of the students enrolled and provide an appropriate number of meals daily (three meals daily for residential programs), at reasonably appropriate times, which constitute a nutritionally adequate diet.</p> <ul style="list-style-type: none"> • The school shall prepare and serve meals in a manner and amount appropriate to the nutritional needs of each student, including special dietary needs, consistent with applicable state and federal regulations. • The school shall encourage students to eat a well balanced diet, but no student shall be force fed or otherwise coerced to eat against his/her will except where medically prescribed.
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
14.3 Toileting Procedures and Individual Plans 18.03(8)	<p>The public/private special education program shall develop and implement a written plan describing required procedures including regular toileting and diapering, disposal or laundering of soiled clothing or diapers, maintenance of extra clean, dry indoor clothing and protecting the personal privacy of all students.</p> <p>The school shall toilet train students requiring such training in accordance with the plan requested by the parents or the IEP for the student and in accordance with the student's physical and emotional disabilities.</p>
	Rating: Implemented Response Required: No

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

Department of Elementary and Secondary Education Comment:

PACE School is approved by the Department of Elementary and Secondary Education as a private day school.

AREA 15: PARENT AND STUDENT INVOLVEMENT

CRITERION NUMBER	
	Legal Standard
15.1 Parental Involvement and Parents' Advisory Group 18.05(4)(a)	<p>The public/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>
	<p>Rating: Partially Implemented Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

Documentation review of PACE School's written plan for parental involvement indicates that the private school will sponsor quarterly Parent Advisory Group Meetings. Documentation review and interviews indicate that PACE School had only scheduled two Parent Advisory Group meetings for the academic year. It invited parents to a Parent Advisory Group meeting in the fall and had another scheduled for the spring semester.

CRITERION NUMBER	
	Legal Standard
15.3 Information to be translated into Languages other than English Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76,	<p>When students have parents or guardians with limited English language skills, the public/private special education program ensures that important school information is sent to them in a timely manner and provided to them in a language that they understand, either through written translations of documents or through oral interpreters.</p>

CRITERION NUMBER	
	Legal Standard
§ 5; 603 CMR 26.02(2)	
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Documentation review and interviews indicate that PACE School provides parents and guardians with written notice of field trips and early dismissal in both English and Spanish; however, other important school announcements, progress reports and report cards are not translated in written form. At this time the only language other than English spoken by parents or guardians is Spanish. Staff members currently provide oral interpretations for parents who are Spanish speaking. Documentation review indicates that PACE School has a plan to provide translations for parents or guardians who may speak other languages.

CRITERION NUMBER	
	Legal Standard
15.4 Change of Student's Legal Status 18.05(4)(b)	The school shall have written 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. Written procedures shall additionally address disseminating this information to appropriate personnel.
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Documentation review of PACE School's written policy indicates that documentation of the change in a student's legal status will be filed in the student record. Interviews indicate that PACE School staff members are most often verbally informed by the student or parent of a change in legal status. Although this information is verbally disseminated to staff members, student record review indicates that it is not always documented and filed in student records.

CRITERION NUMBER	
	Legal Standard
15.5 Parent Consent 18.05(5)(c); 18.05(8); 18.05(9)(f)(1)	<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 annual parental consent.</p> <p>Matters requiring annual parental consent include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • In coordination with responsible school districts, any evaluations of the student and/or acceptance of the student’s IEP • Emergency medical care • Medications • Restraints • Research, Experimentation, Fundraising, Publicity, and Observation • In coordination with responsible school districts, the Parental Notification Law pursuant to Chapter 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Student record review and interviews indicate that PACE School does not annually obtain required parent consents for all students.

CRITERION NUMBER	
	Legal Standard
15.8 Registering Complaints and Grievances – Parents, Students and Employees 18.05(1)(b)(16); Title IX: 20	<p>a. The public/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 that include specific timelines.</p> <p>b. The public/private special education program must also adopt and publish grievance procedures for students and employees providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, national origin, gender, religion, sexual orientation, disability).</p>

CRITERION NUMBER	
	Legal Standard
U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107	
	Rating: Implemented Response Required: No

AREA 16: HEALTH AND MEDICAL SERVICES

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

CRITERION NUMBER	
	Legal Standard
16.3	The school shall have a registered nurse available depending upon the health care

CRITERION NUMBER	
	Legal Standard
Nursing 18.05(9)(b)	needs of the school population. <u>School Nurse</u> means a nurse practicing in a school setting, who is: 1. a graduate of an approved school for professional nursing; 2. currently licensed as a Registered Nurse pursuant to M.G.L c. 112; and 3. appointed by a School Committee or a Board of Health in accordance with M.G.L. c. 71, §§ 53, 53A, and 53B or, in the case of a private school, by the Board of Trustees.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
16.4 Emergency First Aid and Medical Treatment 18.05(9)(e, f)	The school shall have written policies and procedures for emergency first aid and care including: <ul style="list-style-type: none"> • 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; • Easy access to first aid supplies in major activities areas; • Procedures to be followed in the case of illness or emergency, including methods of transportation and notification of parents; • A procedure for informing parents or the Department of Social Services if appropriate of any medical care administered to their child other than basic first aid. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to routine or other medical care. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements; and • Procedures to be followed in the case of illness or emergency if parents cannot be reached.
	Rating: Implemented Response Required: No

CRITERION NUMBER	
	Legal Standard
	<p>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> <ul style="list-style-type: none"> • No antipsychotic prescription shall be administered for a period longer than is medically necessary and students on antipsychotic medication must be carefully monitored by a physician. • Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any. • Except in an emergency, as defined in 18.05 (9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. If a student is in the custody of his/her parent(s), parental consent in writing is required. Parental consent may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought. • In an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action and there is no less intrusive alternative to the medication. The treating physician must determine that medication is necessary to prevent the immediate substantial and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 18.05(9)(e). • The school shall inform a student twelve years of age and older, consistent with the student's capacity to understand, about the treatment, risks and potential side effects of such medication. The school shall specify and follow procedures if the student refuses to consent to administration of the medication.
	<p>Rating: Implemented Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
16.7 Preventive Health Care 18.05 (9)(g)	<p>The school shall describe in writing a plan for the preventive health care of students:</p> <ul style="list-style-type: none"> • The school, in cooperation with the student's parents and/or human service agency which is responsible for payment, shall make provision for each student to receive an annual comprehensive medical and dental examination. The school shall require a written report from the physician(s) of the results of the examination and any recommendation and/or modification of the student's activity. • The school shall, in cooperation with the student's public school, develop a plan to ensure that vision, hearing, postural and other required screenings are conducted in accordance with M.G.L. c. 71, § 57. • The school shall have a policy and procedure for assuring that a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school and for notifying all parents and referring agencies of the introduction of a reported communicable disease into the school. The local board of health must be notified in accordance with M.G.L. c. 111, § 111. • The school shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students. Medications and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with contents and antidote. The phone number for the nearest poison center must be posted clearly. • Where appropriate, the school shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation. • The school shall require that all students have necessary immunizations as required by the Department of Public Health.
	Rating: Partially Implemented Response Required: Yes

Department of Elementary and Secondary Education Findings:

Documentation of physical or dental exam, vision, hearing or postural screenings in the previous 12 months was found in only one student record reviewed.

CRITERION NUMBER	
	Legal Standard
16.11 Student Allergies	<p>The school shall have a written policy for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.</p>

CRITERION NUMBER	
	Legal Standard
18.05(9)(h)	
	Rating: Implemented Response Required: No

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

AREA 17: TRANSPORTATION SAFETY

CRITERION NUMBER	
	Legal Standard
17.1 Transportation Safety 28.09(11)(b)	If applicable, the program develops transportation procedures that ensure that vehicles are safe, insured, and operated by qualified and trained individuals, and that students are transported in a safe manner that is responsive to individual students' needs and provisions of their IEPs.
	Rating: Implemented Response Required: No

AREA 18: STUDENT RECORDS

CRITERION NUMBER	
	Legal Standard
18.1 Confidentiality of Student Records 28.09(5)(a); 28.09(10); 23.07(1); M.G.L. c. 71, § 34H	<p>a. Approved special education schools shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files consistent with the Massachusetts Student Record Regulations of 603 CMR 23.00 and M.G.L. c. 71, § 34H. The approved special education school shall make the individual records of enrolled Massachusetts students available to the Department of Elementary and Secondary Education upon request.</p> <p>b. Staff notes or reports regarding a student shall be legibly dated and signed by persons making entries.</p> <p>c. A log of access shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to authorized personnel who inspect the student record, administrative office staff and clerical personnel who add information to or obtain access to the student record and the school nurses who inspect the student health record.</p>
	<p>Rating: Partially Implemented Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

Student record review indicates that the log of access does not include all required information.

PRIVATE SCHOOL PROGRAM REVIEW REPORT 2008.doc

File Name: Center for Human Development PACE School Final 2008.doc

Last Revised on: October 6, 2008

Prepared by: SKH, PK, NMM