



Massachusetts Department of  
**ELEMENTARY & SECONDARY  
EDUCATION**

**CLARKE SCHOOL FOR THE DEAF  
Day Program, Northampton  
Residential Program, Northampton  
Integrated Preschool Program, Northampton  
Clarke School East, Canton**

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

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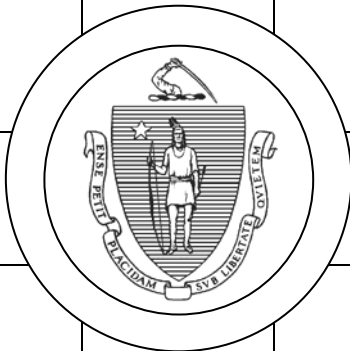
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW**

**CLARKE SCHOOL FOR THE DEAF**

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# MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

## APPROVED PRIVATE SCHOOL PROGRAM REVIEW REPORT

### OVERVIEW OF REVIEW PROCEDURES

#### INTRODUCTION

The Massachusetts Department of Elementary and Secondary Education is required under M.G.L. c. 71B, §10 to review special education programs in approved private special education schools that serve publicly funded students under the provisions of Board of Elementary and Secondary Education Regulations 603 CMR 28.00 and 18.00. Each private school submits an application for approval by the Department of Elementary and Secondary Education and periodically updates information included in the application on how special education services are provided. Each year, the Department's Program Quality Assurance Services unit conducts onsite visits to selected approved private schools to verify the implementation of their applications. The selected schools for 2008-2009 review cycle were notified in August 2008 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 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 2008-2009 reviews also include those required by the federal Office for Special Education Programs (OSEP) and revised requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.* (IDEA-2004) as described in the Department's Special Education Advisories. Selected Program Review compliance criteria are aligned with the requirements and goals of the Massachusetts Education Reform Act of 1993, being intended to promote high standards and achievement for all students.

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

- Interviews of administrative, clinical, instructional and support staff across all grade levels.
- Interviews of Parent Group representatives.
- Other interviews as requested by personnel from state and local agencies and members of the general public.
- Review of student records: A sample of student records is selected for detailed review by the Department of Elementary and Secondary Education. Student records are examined first by the school's staff and then verified by the onsite team using standard Department student record review procedures in order to make determinations regarding the implementation of procedural and programmatic requirements. Parents of students whose files were selected for the record review are provided an opportunity to be interviewed by telephone.
- Observation of classrooms and other facilities: Instructional classrooms and school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities. Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the school's implementation of special education programs, related services, and procedural requirements.

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

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

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

## REPORT INTRODUCTION

A four-member Massachusetts Department of Elementary and Secondary Education team visited Clarke School for the Deaf during the week of March 16, 2009 to evaluate the implementation of selected compliance criteria under the Massachusetts Board of Elementary and Secondary Education Regulations 603 CMR 18.00 (Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs) and 603 CMR 28.09 (Approval of Public or Private Day and Residential Special Education School Programs), M.G.L c. 71B (“Chapter 766”) and the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.*, as amended in 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 Clarke School for the Deaf. These features are as follows:

- The Northampton campus has onsite audiological services that provides assessments, daily monitoring of equipment, repair of equipment, and loaner equipment if necessary. Having these services onsite is a great benefit to the students in that it ensures the students have the most appropriate sensory equipment for their individual needs and greatly minimizes the amount of amplification down-time students have.
- Both the Clark East and the Northampton sites provide a comprehensive transition program that consists of written transition plans, assessments, coordination with public school districts, and follow-up consultative services in the new placement. Transition from Middle School to the next appropriate placement includes a Mainstream Center, a transition curriculum and individual and group support. The Mainstream Center provides a specialized staff dedicated to providing pertinent, current information through comprehensive student information packets and onsite consultative services prior to and post student placement. Through the collaboration of the teachers, the related service staff and the Mainstream Center staff, a transition curriculum was developed and is implemented for grades 5 – 8. In addition, the school provides individual and group support to address the emotional well being of the student to ensure a successful transition.
- The Preschool building at Northampton was recently renovated to provide for an optimal acoustic environment that includes lowered ceilings, carpeting, and sound-treated wall surfaces. In addition, the Preschool and Clarke East classrooms have observation rooms with one-way mirrors to allow for uninterrupted observation of the students by staff and parents.
- Staff appreciation plays an important role at both the Northampton campus and Clark East as evidenced by the longevity of many of its current staff, i.e. up to 40 years of continued employment. Staff are honored at luncheons, through the display of photographs and plaques of achievement, and by the planting of trees in their name throughout the campus.
- The Preschool at Northampton has developed a teacher resource room that contains an abundant variety of curriculum-based materials. The large inventory is arranged in thematic categories and by skill development, which assists in the implementation of IEP goals and objectives.
- The Northampton campus has a large and attractive space dedicated for the library that contains a collection of over 9,000 books, 18 magazine subscriptions and 155 audio tapes that support the

school curriculum, as well as provide leisure reading materials for preschool through middle school students. The school has a librarian on staff and another part-time librarian who have created a library that would be comparable to one at a public school.

- Clarke School for the Deaf houses a professional library, which has been a source of information to teachers, teacher trainees and other professionals for over 100 years. The library contains a specialized collection of over 4,000 volumes and 85 journals that provides information on all aspects of deafness and communication disorders. In addition, special education texts are available to provide an excellent source for strategies and models for educators and parents. The library participates in a five-college library system that includes Smith College, Amherst College, University of Massachusetts Amherst, Hampshire College, and Mount Holyoke College.
- Clarke School for the Deaf has dedicated an area as a museum to house many historical artifacts from the school's 150+ year history. In addition, the museum displays many historical items of the town and its citizens.

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

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

- Interviews of nine administrative staff.
- Interviews of seven clinical staff.
- Interviews of nine teaching and educational support services staff.
- Interviews of one childcare staff.
- Interview of one parent of a Massachusetts student enrolled in the school.
- Student record review: A sample of 18 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 18 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: A sample of eight instructional classrooms and other school facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities: 40 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. Of these parent surveys, 11 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.

**CLARKE SCHOOL FOR THE DEAF**  
**Day Program**  
**Residential Program**  
**Integrated Preschool Program**  
**Clarke School East**

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

Day, Residential, & Preschool – 13.7
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**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: Capacity			
Area 2: Administration - Legal And Financial Documentation			
Area 3: Administration - Manuals And Handbooks			
Area 4: Disclosure Of Information			
Area 5: Administration and Admissions Procedures			
Area 6: Educational Program Requirements -- Student Learning Time			
Area 7: Educational Program Requirements -- Curriculum Frameworks and State Assessments			
Area 8: Educational Program Requirements – Individualized Education Programs			

<b>PROGRAM AREA</b>	<b>PARTIALLY IMPLEMENTED</b>	<b>NOT IMPLEMENTED</b>	<b>OTHER CRITERIA REQUIRING RESPONSE</b>
<b>Area 9: Educational Program Requirements -- Student Discipline and Behavior Management</b>			
<b>Area 10: Educational Staffing Requirements -- Ratios</b>			
<b>Area 11: Educational Staffing Requirements -- Personnel Policies</b>	Clarke East – 11.1 Clarke East – 11.4		
<b>Area 12: Educational Staffing Requirements -- Staff Training</b>	Clarke East – 12.1 Clarke East – 12.2		
<b>Area 13: Physical Facility And Equipment Requirements</b>			
<b>Area 14: Requirements For Daily Care</b>			
<b>Area 15: Parent and Student Involvement</b>	Clarke East – 15.1 Residential - 15.3 Clarke East- 15.5		
<b>Area 16: Health and Medical Services</b>			
<b>Area 17: Transportation Safety</b>			
<b>Area 18: Student Records</b>			

**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: CAPACITY**

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	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).
	<b>NOTE: Residential Programs</b> reflect the 24-hour nature of the program and indicate how residential services and educational services will be fully coordinated.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>AREA 2: ADMINISTRATION - LEGAL AND FINANCIAL DOCUMENTATION</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
2.1 Legal and Financial Status  28.09(2)(b)(4)	The program provides a description of the legal status including names of individuals and principal parties with ownership, oversight, and key administrative responsibilities.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
2.2 Approvals, Licenses, Certificates of Inspection  18.04(1); 28.09(2)(b) (5); 28.09(5) (b); 28.09(6) (b, c)	<p>The program has current licenses, approvals, and certificates of inspection by state and local agencies. However, the documentation addressing the school portion of the program must still be submitted.</p> <ul style="list-style-type: none"> <li>• Safety Inspection. The school shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access;</li> <li>• Fire Inspection. The school shall obtain a written report of an annual fire inspection from the local fire department;</li> <li>• Lead paint inspection (if facility was built prior to 1978). 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;</li> <li>• Local Board of Health permit if providing food services;</li> <li>• Asbestos inspection or date when building was constructed and statement from appropriate authority that building is asbestos free (if Asbestos is present then a containment plan);</li> <li>• Statement regarding the non-existence of PCBs, or, if PCBs are present then a containment plan; and</li> <li>• Other inspections that may be required by local or state authorities.</li> </ul>
	<p><b>RATING: Implemented                      RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
2.3 EEC Licensure  102 CMR 3.00 <b>(Residential            Schools only)</b>	<p>The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00).</p>
	<p><b>RATING: Implemented                      RESPONSE REQUIRED: No</b></p>

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

CRITERION NUMBER	Legal Standard
<p>3.1 Policies &amp; Procedures Manual</p> <p>28.09(11)(b)</p>	<p>The private special education school maintains an onsite policies and procedures manual and shall provide written notice to parents of enrolled students that copies of such policies and procedures are available upon request.</p> <p>The program’s manual must contain a Table of Contents and a policy for all subject areas. The policies and procedures must include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Reporting Suspected Child Abuse/Neglect to DCF and to the Disabled Persons Protection Commission (Criterion 3.1(c));</li> <li>• Evacuation and Emergency Procedures (3.1(d) ;</li> <li>• Notification of Substantial Changes (Form 1) (Criterion 4.4);</li> <li>• Immediate Notification (Form2) (Criterion 4.5);</li> <li>• Student Admissions (Criterion 5.1);</li> <li>• State and District-Wide Assessments (Criterion 7.3);</li> <li>• Granting of High School Diplomas or Certificates of Attendance (Criterion 7.4);</li> <li>• Program Modifications and Support Services for Limited English Proficient (LEP) students (Criterion 8.4);</li> <li>• IEP Progress Reports (Criterion 8.8);</li> <li>• Less Restrictive Placement (Criterion 8.10);</li> <li>• Transition Planning (Criterion 8.11);</li> <li>• Behavior Management (Criterion 9.1);</li> <li>• Student Separation Resulting From Behavior Management (Criterion 9.1(a));</li> <li>• Runaway Students (Criterion 9.3);</li> <li>• Physical Restraint (Criterion 9.4);</li> <li>• 3-5 Day Suspensions (Criterion 9.5);</li> <li>• 10+ Day Suspensions (Criterion 9.6);</li> <li>• Terminations (Criterion 9.7);</li> <li>• Supervision of Students (Criterion 11.11);</li> <li>• New Staff Orientation and Annual In-Service Training (Criterion 12.1 and 12.2);</li> <li>• Visiting, Mail and Telephones (<b>Residential Schools only</b>) (Criterion 14.4);</li> <li>• Parent Involvement (Criterion 15.1);</li> <li>• Change of Student’s Legal Status (Criterion 15.4);</li> <li>• Parent Consent and Notification(Criterion 15.5);</li> <li>• Registering Complaints and Grievances – parents, students and employees (Criterion 15.8);</li> <li>• Student Transportation and Transportation Safety (<b>Only where applicable</b>) (Criterion 17.1); and</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>• 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 (34 CFR 300.321).</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

3.1(c) Child Abuse Reporting  18.05(9)(i); M.G.L. c. 119, §§ 51A and B; M.G.L. c. 19C	<p>The program shall develop and implement written procedures and staff training for the reporting of suspected child/student abuse or neglect to the Department of Children and Families (M.G.L. c. 119, §§ 51A and B) and, for students over the age of 18, the Disabled Persons Protection Commission (M.G.L. c. 19C).</p> <ul style="list-style-type: none"> <li>• Such procedures shall include notification (Form 2) to the Department of Elementary and Secondary Education and notification to any other state agencies as required by law or regulations (EEC, DMR, DMH) when a report is filed against the program or its employee(s) or student(s).</li> <li>• Policy must clarify that staff may report to DCF.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

3.1(d) Evacuation and Emergency Procedures  18.05(10)	<p>The school shall develop and implement a policy and procedure on <b>EVACUATIONS</b> that includes:</p> <ul style="list-style-type: none"> <li>• Two evacuation drills conducted for each shift at each location annually;</li> <li>• Helping all students to understand the nature of the drills;</li> <li>• Special provisions for the evacuation of any mobility-impaired student in the facility; and</li> <li>• A written log of each evacuation drill that includes date, time elapsed, participants (students and staff), witnesses, etc.</li> </ul> <p>The school shall develop and implement <b>EMERGENCY DRILLS</b> (ex. lock down of building, flood preparedness, use of firefighting equipment, gas leak, etc) that include:</p> <ul style="list-style-type: none"> <li>• The assignment of personnel to specific tasks and responsibilities in emergency situations;</li> <li>• Instructions for the use of alarm systems and signals;</li> <li>• Systems for notification of appropriate persons; and</li> <li>• Specification of evacuation routes and procedures.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>









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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
5.2(a) Contracts	There shall be a written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3)(f).
28.06(3)(f)	Written contracts: School districts shall enter into written contracts with all out-of-district placements. Each contract shall include, but not be limited to, the following terms: <ol style="list-style-type: none"> <li>1. The out-of-district placement shall comply with all elements of the IEP for</li> </ol>

	<p>the student and shall provide, in writing, to the Administrator of Special Education detailed documentation of such compliance through completion of required student progress reports.</p> <ol style="list-style-type: none"> <li>2. The out-of-district placement shall allow the placing school district to monitor and evaluate the education of the student and shall make available, upon request, any records pertaining to the student to authorized school personnel from the school district and the Department in accordance with 603 CMR 23.00: <i>Student Records</i></li> <li>3. The out-of-district placement shall allow the placing school district and/or the Department to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense.</li> <li>4. The out-of-district placement shall afford publicly-funded students all the substantive and procedural rights held by eligible students, including but not limited to those specified in 603 CMR 28.09, and shall comply with all other applicable requirements of 603 CMR 28.00 and applicable policy statements and directives issued by the Department.</li> <li>5. No school district shall contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, or national origin, or that discriminates against qualified persons with disabilities.</li> </ol>
	<p><b>RATING:</b>    <b>Implemented</b>                      <b>RESPONSE REQUIRED:</b>    <b>No</b></p>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<p>6.1 Daily Instructional Hours</p> <p>603 CMR 27.04</p>	<p>The private special education program ensures that each student is scheduled to receive an average minimum of the following instructional hours unless otherwise approved by ESE or a student’s IEP provides otherwise:</p> <ul style="list-style-type: none"> <li>• Elementary – A total of:</li> </ul> <p>10 month program – 900 hours 11 month program – 990 hours 12 month program – 1080 hours</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>• Secondary – A total of:                10 month program – 990 hours                11 month program – 1089 hours                12 month program – 1188 hours             </li> </ul> <p>The private special education program ensures that, unless a student’s IEP 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 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><b>NOTE:</b> The 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>
	<b>RATING:    Implemented                                  RESPONSE REQUIRED:    No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
6.1(a) Physical Education Requirements  M.G.L. c. 71, § 3	<p>The 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><b>NOTE:</b> Physical education classes are to be considered part of the student’s structured learning time.</p>
	<b>RATING:    Implemented                                  RESPONSE REQUIRED:    No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
6.2 School-to-Work  603 CMR 27.02; 27.04	Where the private special education program counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified. Those guidelines should include information regarding staff supervision, program oversight responsibilities, and work related and/or independent study opportunities that are reflective of the students IEP goals.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
6.4 School Days Per Year  603 CMR 27.05(2); 28.09(9)(a)	<p>The private special education school is in session for the following minimum number of days (exclusive of weekends, holidays, vacations):</p> <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> <p>Before the beginning of each school year, the private special education program sets a school year schedule for each program. This schedule must include at least five additional school days to account for unforeseen circumstances (i.e., snowstorms).</p> <p><b><u>NOTE:</u></b> All schools must meet the number of school days per ESE’s application approval plus five additional days for unforeseen circumstances.</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>





<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
M.G.L. c. 71A; Title VI 34 CFR 300.26	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Unless the student’s IEP specifies otherwise, the student must receive: <ul style="list-style-type: none"> <li>○ sheltered content instruction from a trained and qualified teacher; and</li> <li>○ additional instruction in English as a Second Language by a certified ESL teacher.</li> </ul> </li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
8.8 IEP – Progress Reports  28.07(3); 34 CFR 300.320(a)(3) (i, ii)	<p>Progress Reports and Content</p> <ul style="list-style-type: none"> <li>• Parents receive reports on the student’s progress towards reaching the goals set in the IEP at least as often as parents are informed of the progress of students without disabilities;</li> <li>• Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP; and</li> <li>• <u>The program shall send copies of progress reports to the parents and public school.</u></li> </ul> <p><b>NOTE:</b> IEP must contain a description of:</p> <ul style="list-style-type: none"> <li>• How the child's progress toward meeting the annual goals will be measured; and</li> <li>• When periodic reports on the progress the child is making toward meeting the</li> </ul>

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	<b>Legal Standard</b>
	annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
8.10 IEP Less Restrictive Placement  28.09(9)(c)	The program develops and implements a written plan that describes opportunities for enrolled students to gain the capacity to return to a less restrictive educational program.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
8.11 IEP - Transition Planning  34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)	The program has a written plan that addresses transition planning, working with the responsible school district to discuss each student's transition needs annually beginning no later than when the student is 15 years old at the IEP Team meetings, and use of the Department's Transition Planning Form to document its discussion. 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.  Students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>



	<p>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; and</p> <p>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.</p> <ul style="list-style-type: none"> <li>o Time out rooms shall not be locked.</li> <li>o Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.</li> </ul>
	<p><b>RATING: Implemented</b>                      <b>RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<p>9.3 Runaway Students</p> <p>18.03(10)</p>	<p>The program shall develop and implement 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 and immediate notification to the Department.</p> <p>This policy must be approved by the Department of Elementary and Secondary Education.</p>
	<p><b>RATING: Implemented</b>                      <b>RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<p>9.4 Physical Restraint</p>	<p>The program shall have a written policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00. The policy and procedures must include the following:</p>



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	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>• No student may be suspended and sent home unless a responsible adult is available to receive the student.</li> <li>• Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program.</li> <li>• Procedures must be in place to record and track the number and duration of suspensions, including suspensions from any part of the student's IEP program (including transportation).</li> </ul> <p><b>NOTE:</b> Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher is considered a suspension if the student's IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.</p>
	<b>RATING:    Implemented                      RESPONSE REQUIRED:    No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
9.6 10+ Day Suspensions  34 CFR 300.530 – 537 18.05(7)	<p>The private special education program shall develop and implement 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> <ul style="list-style-type: none"> <li>• A request is made of the student's responsible school district to convene an IEP Team meeting prior to a suspension that constitutes a change in placement of a student with disabilities.</li> <li>• The private school participates in the Team meeting:               <ul style="list-style-type: none"> <li>○ To develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan;</li> <li>○ To identify appropriate alternative educational setting(s); and</li> <li>○ To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior).</li> </ul> </li> <li>• 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</li> </ul>

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	<b>Legal Standard</b>
	<p>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.</p> <ul style="list-style-type: none"> <li>• If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.</li> </ul> <p><b>NOTE:</b> Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.</p>
	<p><b>RATING:      Implemented                      RESPONSE REQUIRED:      No</b></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<p>9.7 Terminations</p> <p>18.05(7); 28.09(12)(b)</p>	<p>The program develops and implements a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations.</p> <p>The policy must include the following:</p> <p>a) Planned Terminations: The private special education program shall notify the public school district of the need for an IEP review meeting and provides notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date.</p> <p>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.</p> <p>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</p>

	agreement of the approved special education school and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>AREA 10: EDUCATIONAL STAFFING REQUIREMENTS - RATIOS</b>
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CRITERION NUMBER	
	<b>Legal Standard</b>
10.1 Staffing for Instructional Groupings  28.06(6)(d); 28.09(7)(e)	<p>The private special education school shall have instructional groupings that do not exceed 1) the approved ESE Student: Licensed Educator Ratio and 2) the approved ESE Student: Licensed Educator and Aide Ratio.</p> <p>Student: Licensed Educator Ratio is defined as the number of licensed special education teachers, licensed regular education teachers or licensed related service providers to the number of students within an instructional group.</p> <p>Student: Licensed Educator and Aide Ratio is defined as the number of licensed special education teachers, licensed regular education teachers or licensed related service providers, and the number of aides (teacher aide, paraprofessional, direct care staff, behaviorist) to the number of students within an instructional group.</p>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
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>Prior to exceeding the forty-eight month timeframe, an Alternate Compliance Waiver (<a href="http://www.doe.mass.edu/pqa/sa_nr">http://www.doe.mass.edu/pqa/sa_nr</a>) must be requested and approved by the Department.</p>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
10.4 Student: Direct Care Worker Ratios ( <b>Residential Schools only</b> )  18.03(2)	The private special education school must demonstrate that it is in compliance with the most recently ESE approved student: direct care worker ratio.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES</b>
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CRITERION NUMBER	
	<b>Legal Standard</b>
11.1 Personnel Policies and Procedures Manual  18.05(11); 18.05(11)(c) (1); 28.09(7); 28.09(11)(a); M.G.L. c. 71, § 38R; ESE Advisory on CORI revised 5/7/07	The private special education program shall develop and implement a written personnel policies and procedures manual that describes: <ul style="list-style-type: none"> <li>• Criteria and procedures for hiring. This should include the school’s Criminal Offender Record Information (CORI) policy regarding CORI checks on employees, volunteers and transportation providers whose responsibilities bring them into direct and unmonitored contact with students (upon initial hire and every three years thereafter). [NOTE: A private residential school licensed by EEC does not need to conduct independent CORI checks where those checks have been done through EEC];</li> <li>• Procedures for evaluation of staff;</li> <li>• Procedures for discipline of staff (including suspensions and dismissals);</li> <li>• Procedures for handling staff complaints (See Criterion 15.8);</li> <li>• A plan for using volunteer and/or intern services; and,</li> <li>• Statement of equal employment/educational opportunities in regard to race, color, creed, religion, national origin, sex, sexual orientation and handicap.</li> </ul>
	<b>RATING: Partially Implemented                      RESPONSE REQUIRED: Yes</b>

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

*Clarke East - Staff interviews indicated that annual evaluations, as required by school policy, are conducted. However, a review of personnel records indicates that current evaluation forms are not present.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</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> <p>The administrator or designee shall at all times be on the premises of the school while the school is in operation. All staff on duty shall know who is responsible for administration of the school at any given time.</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
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"> <li>• License as a special educator;</li> <li>• A minimum of a master's degree in special education or a related field; and</li> <li>• A minimum of one year of administrative experience.</li> </ul> <p>The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.</p> <p>The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04, if applicable.</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
<p>11.4 Teachers (Special Education Teachers and Regular Education Teachers)</p> <p>18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321</p>	<p style="text-align: center;"><b>Legal Standard</b></p> <p>The 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> <ul style="list-style-type: none"> <li>• 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, if applicable.</li> <li>• To the extent that teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.</li> <li>• A private school teacher who has knowledge about the education and learning progress of the student must be in attendance at the IEP meeting for the student.</li> </ul> <p>At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the school; other teaching staff may be licensed in other educational areas, in order to provide for content expertise in the general curriculum. The Department of Elementary and Secondary Education may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services.</p> <p>The number of special education teachers and the number of the general education teachers must correspond with the most recent approved ESE budget. At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned to supervise the provision of special education services in the school and to ensure that the services specified in each student's IEP are delivered. The educational administrator shall either possess licensure as a special education administrator or possess all of the following:</p> <ul style="list-style-type: none"> <li>• License as a special educator;</li> <li>• A minimum of a master's degree in special education or a related field; and</li> <li>• A minimum of one year of administrative experience.</li> </ul> <p>The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.</p> <p>The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04, if applicable.</p>
	<p><b>RATING: Partially Implemented      RESPONSE REQUIRED:      Yes</b></p>

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

*Clarke East – Personnel record review indicated that Professional Development Plans were not included for all professionally licensed teachers.*

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

CRITERION NUMBER	
	<b>Legal Standard</b>
11.6 Master Staff Roster  28.09(7)	<p>The private special education program maintains a master list of ALL staff for every position within the program. The staff positions shall correspond to the last ESE approved Program Budget. This list must include job titles along with their corresponding UFR title numbers and full-time equivalents (FTE's). This list may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Administrators</li> <li>• Special education teachers</li> <li>• General education teachers</li> <li>• Related service providers</li> <li>• Registered Nurses</li> <li>• Direct care workers</li> <li>• Direct care supervisors</li> <li>• Clerical and maintenance staff</li> <li>• Psychologists</li> <li>• Social workers</li> <li>• Food service staff</li> <li>• Consultants</li> </ul> <p>Any changes/discrepancies from the last Department of Elementary and Secondary Education approved Program Budget (through Initial Application, Extraordinary Relief, Special Circumstances, Program Reconstruction) must be described in a detailed, written narrative.</p>
	<b>RATING:    Implemented    RESPONSE REQUIRED:    No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.7 Job Descriptions  18.05(11)(d)	The 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.  The responsibilities contained in the job description of the Educational Administrator shall include supervising the provision of special education services in the school and ensuring that the services specified in each student's IEP are delivered.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.10 Supervision of Direct Care Day & Residential Staff  18.03(4)	Each program shall provide ongoing and regular supervision of all direct care workers by someone who has supervisory and administrative responsibility within the school.  Regularly scheduled conferences must occur between direct care workers and supervisors; and between teachers, direct care workers and other educational personnel.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.11 Supervision of Students  18.03(1)(a)	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.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.12 Equal Access  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	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. <ul style="list-style-type: none"> <li>• The school provides equal opportunity for all students to participate in intramural and interscholastic sports; and</li> <li>• Extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, gender, color, religion, national origin, sexual orientation, disability, or homelessness.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

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

CRITERION NUMBER	
	<b>Legal Standard</b>
12.1 New Staff Orientation and Training  18.05(11)(g, i); 28.09(7)(f)	<p>The private special education program shall develop and implement a written plan for new staff orientation and training that is consistent with the needs of the student population and includes an orientation-training program which includes the following:</p> <ul style="list-style-type: none"> <li>• School's philosophy</li> <li>• Organization</li> <li>• Program</li> <li>• Practices</li> <li>• Goals</li> <li>• ESE required topics (12.2 a-e)</li> <li>• Provisions for orientation of intern, volunteers or others who work at the program, if applicable.</li> </ul> <p><b>NOTE:</b> 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>
	<b>RATING: Partially Implemented                      RESPONSE REQUIRED:    Yes</b>

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

*Clarke East – A review of the orientation training plan and staff interviews indicated all mandated trainings are being conducted for new staff. However, a review of personnel records indicated that all mandated trainings are not documented.*

CRITERION NUMBER	
	<b>Legal Standard</b>
12.2 In-Service Training Plan and Calendar  28.09(7)(f); 28.09(9)(b); 28.09(10); 18.03(3);	<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"> <li>a. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission;</li> <li>b. Disciplinary and Behavior Management Procedures used by the program, such as positive reinforcement, point/level systems, token economies, time-out</li> </ol>

CRITERION NUMBER	
	Legal Standard
<p>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. 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>	<p>procedures and suspensions and terminations; as well as Restraint Procedures including de-escalation methods used by the program;</p> <p>c. Runaway policy;</p> <p>d. Emergency procedures including Evacuation Drills and Emergency Drills; and</p> <p>e. Civil rights responsibilities (discrimination and harassment).</p> <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually <u>to all teaching staff</u>:</p> <ul style="list-style-type: none"> <li>• How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction;</li> <li>• Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and</li> <li>• Student record policies and confidentiality issues.</li> </ul> <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"> <li>• CPR training and certification;</li> <li>• 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>• Transportation safety (for staff with transportation-related job responsibilities); and</li> <li>• Student record policies and confidentiality issues (for staff who oversee, maintain or access student records).</li> </ul>
	<p><b>RATING: Partially Implemented                      RESPONSE REQUIRED:    Yes</b></p>

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

*Clarke East – A review of the in-service training plan and staff interviews indicated all mandated trainings are being conducted for staff annually. However, a review of personnel records indicated that all mandated trainings are not documented.*

CRITERION NUMBER	
	Legal Standard
<p>12.2(c)            Required Training-            CPR</p>	<p>The program shall develop and implement a training plan for CPR Certification, which identifies:</p> <ul style="list-style-type: none"> <li>• the staff positions/titles of staff to be trained;</li> <li>• how many staff in each position/title will be trained; and</li> </ul>

Certification 18.05(9)(e)	<ul style="list-style-type: none"> <li>the frequency of CPR training and certification.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
12.2(f) Required Training- Emergency Procedures  18.05(10); 28.09(11)	<p>The program shall conduct at least two <b>EVACUATION DRILLS</b> 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.</p> <p>The program shall conduct <b>EMERGENCY DRILLS</b> (ex. lock down of building, flood preparedness, use of firefighting equipment, gas leak, etc.) for staff, at least quarterly and under varied conditions, in order to:</p> <ul style="list-style-type: none"> <li>Assure that all personnel on all shifts are trained to perform assigned tasks;</li> <li>Assure that all personnel on all shifts are familiar with the use of firefighting equipment in the facility; and</li> <li>Evaluate in writing the effectiveness of emergency plans and procedures after each emergency drill.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
13.2 Description of Physical Facility  18.04; 28.09(8)	<p><u>Kitchen, Dining, Bathing/Toilet and Living Areas:</u></p> <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>Maintain areas which are clean, well ventilated and free from hazards;</li> <li>Provide students with equipment, supplies and materials (e.g., kitchen equipment, dining utensils, toilets, sinks, individual furniture and storage space) which are clean, safe, safely stored, well maintained and appropriate to the ages and needs of the students;</li> </ul>

CRITERION NUMBER	Legal Standard
	<ul style="list-style-type: none"> <li>• Design all living areas to simulate the functional arrangements of a home and to encourage a personalized atmosphere for small groups of students, unless the school can justify that another arrangement is necessary to serve the particular needs of the students enrolled in the school.</li> </ul> <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. <u>Additionally, all programs must:</u></p> <ul style="list-style-type: none"> <li>• Ensure that all areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards;</li> <li>• 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>• 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>• Designate space separate from classroom areas for administrative duties and staff or parent conferences.</li> </ul>
	<b>RATING:    Implemented                      RESPONSE REQUIRED:    No</b>

CRITERION NUMBER	Legal Standard
13.4 Physical Facility/Architectural Barriers  18.04(8); Section 504:	<p>The private special education program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the school buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All schools receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>A school which enrolls students requiring wheelchairs shall have at least one</p>

<p>29 U.S.C. 794; 34 CFR 104.21, 104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114</p>	<p>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 mobility, a plan and timetable shall be provided that describes how the school will make all programs and appropriate buildings accessible.</p>
	<p><b>RATING: Implemented</b>                                <b>RESPONSE REQUIRED: No</b></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<p>13.7 Library/ Resource Room</p> <p>18.04(6)(b)</p>	<p>In addition to the regular instructional area, the school shall have a separate library or resource room that contains a variety of materials appropriate to the age and abilities of the students enrolled, and is available to all enrolled students.</p>
	<p><b>RATING: Commendable</b>                                <b>RESPONSE REQUIRED: No</b></p>

**Department of Elementary and Secondary Education Comment:**  
*Preschool – Observation of the teacher resource room indicated an abundant variety of curriculum-based materials categorized by thematic units and skill development. The accessibility of the materials allows the teachers to coordinate and develop lesson plans with the related service staff to ensure implementation of individualized goals and objectives.*

*Day, Residential and Preschool - Observation revealed a spacious and attractive library that contained a large and appropriate selection of materials. Clarke has one full time and one part-time librarian on staff who have created a library that would be comparable to one at a public school.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<p>13.9 Outdoor Space</p> <p>18.04(7)(b)</p>	<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</p>

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

<b>AREA 14: REQUIREMENTS FOR DAILY CARE</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
14.1 Clothing, Grooming and Hygiene <b>(Residential Schools only)</b>	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.
18.03(5)	
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
14.2 Food and Nutrition	The school's staff shall provide for 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
18.03(7)	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The school shall encourage students to eat a well balanced diet, but no student shall be force fed or otherwise coerced to eat against his/her will except where</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>medically prescribed.</p> <ul style="list-style-type: none"> <li>• The school shall serve meals to students that are substantially the same as those served staff, unless age differences or special dietary needs require differences in diet.</li> <li>• The school shall allow students to eat at a reasonable, leisurely rate.</li> <li>• Staff shall be present to assure that each student receives adequate amounts and variety of food.</li> <li>• Schools that serve meals to students shall prepare written menus each week and shall maintain copies of menu plans for typical weeks.</li> <li>• Schools shall provide or arrange for nutritional or mid-morning snacks for students, where appropriate.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
14.3 Toileting Procedures and Individual Plans	The private special education program shall develop and implement a written plan describing procedures for 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.
18.03(8)	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.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
14.4 Visiting, Mail and Telephones <b>(Residential)</b>	Private programs shall develop and implement written policies and procedures pertaining to visiting and other forms of communication with family, friends and others.
	Written and telephone communication shall not be prohibited, nor shall a student's

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>Schools only)</b> 18.03(9)(a) and (b)	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).
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>AREA 15: PARENT AND STUDENT INVOLVEMENT</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
15.1 Parental Involvement and Parents’ Advisory Group  18.05(4)(a)	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.  The program shall designate a staff person to support the Parents’ Advisory Group.
	<b>RATING: Partially Implemented                      RESPONSE REQUIRED: Yes</b>

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

*Clarke East – Documentation review and staff interviews indicated that Parents’ Advisory Group meetings are not offered as required.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
15.3 Information to be Translated into Languages	When students have parents or guardians with limited English language skills, the 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.

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
Other Than English  Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, § 5; 603 CMR 26.02(2)	
	<b>RATING: Not Implemented                      RESPONSE REQUIRED: Yes</b>

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

*Residential Program – Student record review and staff interviews indicated important school information is not translated into the parents’ primary language.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
15.4 Change of Student’s Legal Status  18.05(4)(b)	The school shall develop and implement 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.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
15.5 Parent Consent and Required Notification  18.05(5)(c);	The school shall develop and implement policy and procedures to work with school districts to obtain the following consents: <ul style="list-style-type: none"> <li>• <b><u>Annual:</u></b> <ul style="list-style-type: none"> <li>○ Emergency medical treatment</li> <li>○ Restraints</li> <li>○ Medication Administration (when applicable)</li> </ul> </li> </ul>

CRITERION NUMBER	
	<b>Legal Standard</b>
18.05(8); 18.05(9)(f)(1); 18.05 (9)(j); M.G.L. c. 71, § 32A	<ul style="list-style-type: none"> <li>• <b><u>When applicable:</u></b> <ul style="list-style-type: none"> <li>○ Research</li> <li>○ Experimentation</li> <li>○ Fundraising</li> <li>○ Publicity and</li> <li>○ Observation</li> </ul> </li> </ul> <p>The school’s policy and procedures shall include, when applicable, notification pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues.</p>
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

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

*Clarke East – Student record review indicated that the school does not obtain annual consents for physical restraint.*

CRITERION NUMBER	
	<b>Legal Standard</b>
15.8 Registering Complaints and Grievances – Parents, Students and Employees  18.05(1)(b) (16); Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107	<ul style="list-style-type: none"> <li>• The private special education program shall develop, implement and make available to <b>parents and, when applicable, students</b> a set of written procedures that may be used to register complaints regarding the student’s education and care at the school that includes specific timelines and the appeals process.</li> <li>• The private special education program must also adopt and publish grievance procedures for <b>students</b> providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, national origin, gender, religion, sexual orientation, disability) that includes specific timelines and the appeals process.</li> <li>• The private special education program must also adopt and publish grievance procedures for <b>employees</b> providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, national origin, gender, religion, sexual orientation, disability) that includes specific timelines and the appeals process.</li> </ul>

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

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.3 Nursing  18.05(9)(b) M.G.L c. 112 M.G.L. c. 71, §§ 53, 53A, and 53B	The school shall have a registered nurse available depending upon the health care needs of the school population.  <b>NOTE:</b> School Nurse means a nurse practicing in a school setting, who is: <ol style="list-style-type: none"> <li>(1) a graduate of an approved school for professional nursing;</li> <li>(2) currently licensed as a Registered Nurse pursuant to M.G.L c. 112; and</li> <li>(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.</li> </ol>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.4 Emergency First Aid and Medical Treatment  18.05(9)(e, f)	<p>The school shall have develop and implement policies and procedures for emergency first aid and medical treatment, including:</p> <ul style="list-style-type: none"> <li>• No emergency first aid or medical treatment is administered to a student without written authorization from a parent. Such authorization shall be renewed annually;</li> <li>• 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;</li> <li>• Easy access to first aid supplies in major activities areas;</li> <li>• Procedures to be followed in the case of illness or emergency, including methods of transportation and notification of parents;</li> <li>• A procedure for informing parents or the Department of Children and Families if appropriate of any medical care administered to their child other than basic first aid. (For students in the Department of Children and Families 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 Children and Families requirements); and</li> <li>• Procedures to be followed in the case of illness or emergency if parents cannot be reached.</li> </ul>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.5 Administration of Medication  18.05(9)(f)(8)	<p>The school shall develop and implement written policy and procedures regarding the administration of medication including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• No medication is administered to a student without written authorization from a parent. Such authorization shall be renewed annually.</li> <li>• No prescription medication shall be administered to a student without the written order of the physician prescribing the medication to that student.</li> <li>• The school maintains written policies and procedures regarding prescription and administration of medication including authorization, prepackaging and staff training.</li> <li>• Any change of medication or dosage must be authorized by a new order from a physician.</li> <li>• A written record shall be maintained of the prescription of medication to students. A written record shall also be maintained of the administration of prescribed medication to students and train staff by a licensed physician or</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>registered nurse. Significant side effects of medications shall also be recorded.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The school shall dispose of or return to the parents any unused medication.</li> <li>• Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist.</li> <li>• Provisions must be made for refrigeration of medications, when necessary.</li> <li>• 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.</li> <li>• A review of medications administered to a student shall be incorporated into all case reviews conducted at the school with staff regarding the student.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.6 Administration of Antipsychotic Medication  18.05(9)(f)(9)	<p>The school shall develop and implement written policy and procedures for the administration of antipsychotic medication. The policy shall include that the school shall not administer or arrange for the administration of antipsychotic medication (drugs used in treating psychoses and alleviating psychotic states) <b><u>except under the following circumstances:</u></b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought.</p> <ul style="list-style-type: none"> <li>• 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).</li> <li>• 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.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.7 Preventive Health Care  18.05(9)(g) M.G.L. c. 71, § 57 M.G.L. c. 111, § 111.	The school shall describe in writing a plan for the preventive health care of students: <ul style="list-style-type: none"> <li>• 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.</li> <li>• The school shall, in cooperation with the student's public school, develop a plan to ensure that vision, hearing, postural and other screenings are conducted (DPH requires annual vision and hearing screenings. MGL c. 71, § 57 requires postural screenings for grades 5-9.)</li> <li>• The school shall have a policy and procedure for assuring that a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school and for notifying all parents and referring agencies of the introduction of a reported communicable disease</li> </ul>



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

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

<b>AREA 17: TRANSPORTATION SAFETY</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
17.1 Transportation Safety  28.09(11)(b)	If staff from the program transport students, the program shall develop and implement 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.  Schools that use staff to transport students must have a copy of the current license of the employee.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

## AREA 18: STUDENT RECORDS

CRITERION NUMBER	Legal Standard
<p>18.1 Confidentiality of Student Records</p> <p>28.09(5)(a); 28.09(10); 23.07(1); M.G.L. c. 71, § 34H</p>	<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Staff notes or reports regarding a student shall be legibly dated and signed by persons making entries.</li> <li>• 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: <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ the date of access;</li> <li>○ the parts of the record to which access was obtained; and</li> <li>○ the purpose of such access.</li> </ul> </li> </ul> <p><b>NOTE:</b> 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><b>RATING:    Implemented                      RESPONSE REQUIRED:    No</b></p>

PRIVATE SCHOOL PROGRAM REVIEW FINAL REPORT 2009

File Name: Clarke School for the Deaf

Last Revised on: May 7, 2009

Prepared by: DW, NM, SK, HM