



Massachusetts Department of  
**ELEMENTARY & SECONDARY  
EDUCATION**

**BOSTON HIGASHI SCHOOL  
DAY AND RESIDENTIAL PROGRAMS**

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

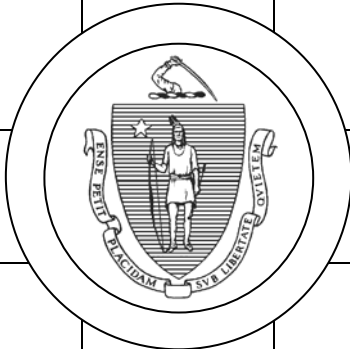
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW**

**BOSTON HIGASHI SCHOOL**

**Table of Contents**

OVERVIEW OF REVIEW PROCEDURES..... 3

PRIVATE SCHOOL PROGRAM REVIEW ELEMENTS..... 3

DEFINITION OF TERMS FOR FINDINGS ..... 10

AREA 1: CAPACITY..... 11

AREA 2: ADMINISTRATION - LEGAL AND FINANCIAL DOCUMENTATION..... 12

AREA 3: ADMINISTRATION - MANUALS AND HANDBOOKS ..... 14

AREA 4: DISCLOSURE OF INFORMATION ..... 17

AREA 5: ADMINISTRATION AND ADMISSION PROCEDURES ..... 19

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT LEARNING TIME..... 22

AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS - CURRICULUM FRAMEWORKS AND  
STATE ASSESSMENTS ..... 24

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS - INDIVIDUALIZED EDUCATION  
PROGRAMS ..... 26

AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT DISCIPLINE AND  
BEHAVIOR MANAGEMENT ..... 28

AREA 10: EDUCATIONAL STAFFING REQUIREMENTS - RATIOS..... 34

AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES..... 35

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS - STAFF TRAINING..... 41

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS ..... 44

AREA 14: REQUIREMENTS FOR DAILY CARE..... 47

AREA 15: PARENT AND STUDENT INVOLVEMENT ..... 49

AREA 16: HEALTH AND MEDICAL SERVICES ..... 52

AREA 17: TRANSPORTATION SAFETY ..... 57

AREA 18: STUDENT RECORDS ..... 58

# 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 three-member Massachusetts Department of Elementary and Secondary Education team visited Boston Higashi School during the week of May 18, 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 Boston Higashi School. These features are as follows:

- Environment – Boston Higashi has established an environment that is extremely positive and supportive for its students. Every aspect of the program reflects the efforts of the administration and staff to promote such a setting. The positive atmosphere not only lends itself to a pleasant working environment, it also helps to promote the students’ mental, physical, and emotional growth and development.
- Emergence Program – Boston Higashi has a well-developed program for the 19-22 year old student. This program focuses on the complete 24-hour cycle to help students manage their academics, hobbies, domestic activities, exercise, employment, and community participation. The goal is to help prepare the older students for the management of adult life.
- Teacher/Staff Support – Boston Higashi offers its staff additional support in the form of an onsite Day Care, an ESL tutor and, with the collaboration of Lesley University, an onsite Master’s Degree Program in Intensive Special Education.
- Family Services – Boston Higashi offers a variety of extra services to its families such as a parent seat on the Board of Directors, selection of a parent to join the annual tour of the Musashino Higashi Gakuen School in Tokyo, Sibling Days, Parent Networking, Alumni Breakfasts, “Aunt Blabby” (an email advisory), and a book written for siblings by Higashi’s Psychologist.
- School to Work Program - Boston Higashi has developed a school-to-work program that is appropriately designed to address the unique skills/talents/aptitudes of the high school students and the students in the Emergence Program. This program places great emphasis on skills that will enable the student to eventually secure supported and competitive employment positions. The school has had much success in matching students to on-campus and off-campus paid and volunteer jobs in the community.
- Supervision of Staff – Boston Higashi has dedicated two large rooms to accommodate the Day Program staff and the Residential Program staff for the twice/shift meetings. The first daily meeting is to report on the status of all students from the previous shift, while the second daily meeting reviews any progress or issues resulting from the concluding shift. In addition, all teachers’ desks are placed in the workroom and arranged by division, which promotes continuous communication, collaboration and cooperation among staff.

- Equal Access - Boston Higashi offers its students many extracurricular opportunities. These include clubs, dances, sporting events, art and musical training. A remarkable feature to the program is Boston Higashi's Jazz Band, which performs on a regular basis at school and community events.
- Food and Nutrition – As part of Boston Higashi's effort to attend to the whole child, the school develops individualized nutritional programs in order to help each student reach his/her maximum physical and mental potential.

*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 eight administrative staff.
- Interviews of four clinical staff.
- Interviews of four teaching and educational support services staff.
- Interviews of seven childcare staff.
- Interviews of two parents of Massachusetts students enrolled in the school.
- Student record review: A sample of 20 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 23 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: Instructional classrooms and other school facilities used in the delivery of programs and services were visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities: 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, 13 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.

**BOSTON HIGASHI SCHOOL  
DAY AND RESIDENTIAL PROGRAMS**

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

6.2 11.10 11.12 14.2
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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	8.4		

<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>	11.4		
<b>Area 12: Educational Staffing Requirements -- Staff Training</b>	12.2(f)		
<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>	15.3		
<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>





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

<b>CRITERION NUMBER</b>	<b>Legal Standard</b>
<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>)</li> </ul>





**AREA 4: DISCLOSURE OF INFORMATION**

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

CRITERION NUMBER	
	<b>Legal Standard</b>
4.4 Advance Notice of Proposed Program/Facility Change 28.09 (5)(c)	<p>The school shall develop and implement a written procedure describing how it notifies the Department of substantial changes within its program and identifying the person responsible for making this notification.</p> <p>The program notifies the Department using the Department’s Form 1 (<a href="http://www.doe.mass.edu/pqa/sa_nr">http://www.doe.mass.edu/pqa/sa_nr</a>) and also notifies school districts and parents of any new policies and procedures and/or changes in current policies and procedures.</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	Prior to any substantial change to the program or physical plant, the special education school provides written notification of intent to change to the Department. Notice shall be given with sufficient time to allow the Department to assess the need for the proposed change and the effects of such change on the educational program. The program must also provide written notification to the Department of any sudden and/or unexpected changes that may impact the overall health or safety of students and/or the delivery of services required by IEPs.
	<b>Rating: Implemented</b> <span style="float: right;">RESPONSE REQUIRED: <b>No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
4.5 Immediate Notification	The school shall develop and implement a written procedure describing how it notifies all appropriate parties of serious incidents within the program and identifying the person responsible for making this notification.
18.03(10); 18.05(7); 28.09(12)(a, b)	<p><b><u>For ALL students (Massachusetts and Out-of-State students)</u></b></p> <p>The program makes immediate notification to the parent, the public school district special education administrator, and to any state agency involved in the student’s care or placement (by telephone and letter), and the Department of Elementary and Secondary Education (by telephone and Form 2) of the following incidents:</p> <ul style="list-style-type: none"> <li>• Death of a student;</li> <li>• Filing of a 51-A report with DCF, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student;</li> <li>• Any action taken by a federal, state or local agency that might jeopardize the school’s approval with the Department; and</li> <li>• Any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students regardless of state of residency.</li> </ul> <p><b><u>For Massachusetts Students Only:</u></b></p> <ul style="list-style-type: none"> <li>• The hospitalization of a Massachusetts student (including out-patient emergency room visits) due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program;</li> <li>• Massachusetts student injury resulting from a motor vehicle accident during transport by school staff (including contracted staff) which requires medical attention;</li> <li>• Massachusetts student serious injury requiring emergency medical intervention resulting from a restraint</li> </ul>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	school's purpose and services, policies regarding student and parent rights including student records, the health program including the procedures for providing emergency health care, and the procedure for termination of a student. The interview will allow for the opportunity for the student and parents to see the facilities, meet the staff members and to meet other enrolled students.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
5.1(a) Admissions Packet  18.05(1)(b)(1-17)	<p>Prior to admission, the school shall provide to the parents and the local school district a written copy of the following:</p> <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</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	complaints regarding the student's education and care at the facility; and, 17. A copy of the approved calendar.
	<b>Rating: Implemented</b> <b>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)	<p>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:</p> <ol style="list-style-type: none"> <li>1. The out-of-district placement shall comply with all elements of the IEP for 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.</li> <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>

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

<b>AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT LEARNING TIME</b>
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CRITERION NUMBER	Legal Standard
6.1 Daily Instructional Hours  603 CMR 27.04	<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:               <ul style="list-style-type: none"> <li>10 month program – 900 hours</li> <li>11 month program – 990 hours</li> <li>12 month program – 1080 hours</li> </ul> </li> <li>• Secondary – A total of:               <ul style="list-style-type: none"> <li>10 month program – 990 hours</li> <li>11 month program – 1089 hours</li> <li>12 month program – 1188 hours</li> </ul> </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</p>



that is appropriately designed to address the unique skills/talents/aptitudes of the high school students and the students in the Emergence Program. Students are exposed to a variety of job skills in classroom training sessions and, with the assistance of job coaches, students are then placed in appropriate work settings throughout the community to further promote job skills. The school has had much success in matching students to on-campus and off-campus paid and volunteer jobs in the community.

CRITERION NUMBER	
	<b>Legal Standard</b>
6.4 School Days Per Year  603 CMR 27.05(2); 28.09(9)(a)	The private special education school is in session for the following minimum number of days (exclusive of weekends, holidays, vacations): <ul style="list-style-type: none"> <li>• 10 month program - 180 days</li> <li>• 11 month program – 198 days</li> <li>• 12 month program – 216 days</li> </ul> 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).  <u><b>NOTE:</b></u> All schools must meet the number of school days per ESE’s application approval plus five additional days for unforeseen circumstances.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

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

CRITERION NUMBER	
	<b>Legal Standard</b>
7.1 Curriculum Frameworks  28.05(4)(a, b); 28.09(9)(b)	All private programs must take steps to provide <u>all</u> students with essential learning opportunities that prepare the students to reach the state graduation standards.
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
High School Graduation Standards	
	<b>Rating: Implemented</b> RESPONSE REQUIRED: <b>No</b>

<b>AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS - INDIVIDUALIZED EDUCATION PROGRAMS</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
8.4 Program Modifications and Support Services for Limited English Proficient Students  M.G.L. c. 71A; Title VI 34 CFR 300.26	<p>The program shall develop a written plan to implement necessary program modifications and support services to identify and effectively serve limited English proficient (LEP) students. Such program modifications and support services comply with applicable state law (M.G.L. c. 71A) and federal law (Title VI).</p> <ul style="list-style-type: none"> <li>• The school must acknowledge it is responsible to serve LEP students.</li> <li>• The school must affirm its willingness to accept students with LEP into its program.</li> <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: Partially Implemented</b> RESPONSE REQUIRED: <b>Yes</b>

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

*Documentation review indicated that Boston Higashi has a written plan that appropriately addresses the needs of the Limited English Proficient Student. However, interviews indicated that there are currently no teachers that are trained and qualified in sheltered content instruction.*

CRITERION NUMBER	
	<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</b> RESPONSE REQUIRED: <b>No</b>

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

CRITERION NUMBER	
	<b>Legal Standard</b>
8.10 IEP Less	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>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
Restrictive Placement 28.09(9)(c)	
	<b>Rating: Implemented</b> RESPONSE REQUIRED: <b>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</b> RESPONSE REQUIRED: <b>No</b>

<p><b>AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT</b></p>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
9.1 Policies and	The program develops and implements a comprehensive set of policies and procedures dealing with discipline and behavior management that meet all federal

CRITERION NUMBER	
	<b>Legal Standard</b>
Procedure for Behavior Management  18.03(7)(b)(2); 18.05(5, 6, 7); 28.09(11); 603 CMR 46.00; ESE Advisory on Restraint in Special Education Programs dated 12/20/05.	and state special education requirements.  The policy must include a description of the behavior management procedures used in the facility including the following if applicable: <ul style="list-style-type: none"> <li>• Level/point systems of privileges, including procedures for the student’s progress in the program;</li> <li>• The type and range of restrictions a staff member can impose for unacceptable behavior, including suspension and termination;</li> <li>• The form of restraint used in an emergency; the behavioral interventions used as alternatives to restraint, and the controls on abuse of such restraints (See 603 CMR 46.00 and 12/20/05 ESE Advisory on Restraint); and</li> <li>• Any denial or restrictions of on-grounds program services.</li> </ul> <p><b>NOTE:</b> Meals shall not be withheld as a form of punishment or behavior management. No student shall be denied or unreasonably delayed a meal for any reason other than medical prescriptions.</p>
	<b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span>

CRITERION NUMBER	
	<b>Legal Standard</b>
9.1(a) Student Separation Resulting from Behavior Management  18.05(5)(i); 18.05(6, 7); 46.02(5)(b)	If the program’s behavior management policy and procedures result in a student being separated in a room apart from the group or program activities, it shall include, but not be limited to, the following: <ol style="list-style-type: none"> <li>1. Guidelines for staff in the utilization of such an area;</li> <li>2. Persons responsible for implementing such procedures;</li> <li>3. The duration of the procedures including procedures for approval by the chief administrative person or his/her designee for any period longer than 30 minutes;</li> <li>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</li> <li>5. A means of documenting the use of time-out for an individual student, including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who monitored the student during the time out.               <ul style="list-style-type: none"> <li>○ Time out rooms shall not be locked.</li> <li>○ Any room or space used for the practice of separation must</li> </ul> </li> </ol>











CRITERION NUMBER	
	<b>Legal Standard</b>
Student: Direct Care Worker Ratios <b>(Residential Schools only)</b>  18.03(2)	the most recently ESE approved student: direct care worker ratio.
	<b>Rating: Implemented</b> RESPONSE REQUIRED: <b>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	<p>The private special education program shall develop and implement a written personnel policies and procedures manual that describes:</p> <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: Implemented</b> RESPONSE REQUIRED: <b>No</b>

CRITERION NUMBER	
	<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</b> RESPONSE REQUIRED: <b>No</b>

CRITERION NUMBER	
	<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</b> RESPONSE REQUIRED: <b>No</b>

CRITERION NUMBER	
<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</b>                      <b>RESPONSE REQUIRED:        Yes</b></p>

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

*Documentation indicated not all of the teaching staff are appropriately licensed or on approved waivers for the areas in which they are assigned to teach.*



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

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

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

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.10 Supervision of	Each program shall provide ongoing and regular supervision of all direct care workers by someone who has supervisory and administrative responsibility within

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
Direct Care Day & Residential Staff  18.03(4)	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: Commendable</b> <b>RESPONSE REQUIRED: No</b>

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

*Interviews and observation indicated that Boston Higashi has dedicated two large rooms to accommodate the Day Program staff and the Residential Program staff for the twice/shift meetings. The first daily meeting is to report on the status of all students from the previous shift, while the second daily meeting reviews any progress or issues resulting from the concluding shift. In addition, all teachers' desks are placed in the workroom and arranged by division, which promotes continuous communication, collaboration and cooperation among staff.*

<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</b> <b>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	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>

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

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

*Documentation and interviews indicated that Boston Higashi offers its students many extracurricular opportunities. These include clubs, dances, sporting events, art and musical training. A remarkable feature to the program is Boston Higashi's Jazz Band, which performs on a regular basis at school and community events.*

**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)	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: <ul style="list-style-type: none"> <li>• School's philosophy</li> <li>• Organization</li> <li>• Program</li> <li>• Practices</li> </ul>





CRITERION NUMBER	
	<b>Legal Standard</b>
28.09(11)	<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: Partially Implemented</b> <b>RESPONSE REQUIRED: Yes</b>

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

*Personnel record review and staff interviews indicated that staff training for emergency drills is being conducted on a regular basis. However, the documentation did not specify the type of emergency drills being conducted or contain written evaluations of the effectiveness of each emergency plan and procedure after each drill.*

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

CRITERION NUMBER	
	<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>  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> <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</p>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>activities.</p> <p><u>Indoor Space:</u> The school shall have a minimum of thirty-five (35) square feet of activity space per student exclusive of hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices or areas regularly used for other purposes.</p> <p><u>Additionally, all programs must:</u></p> <ul style="list-style-type: none"> <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>
	<p><b>Rating: Implemented</b> <span style="float: right;"><b>RESPONSE REQUIRED: No</b></span></p>

CRITERION NUMBER	
	<b>Legal Standard</b>
<p>13.4 Physical Facility/Architectural Barriers</p> <p>18.04(8); Section 504: 29 U.S.C. 794; 34 CFR 104.21, 104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend.</p>	<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 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>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
art. 114	
	<b>Rating: Implemented</b> RESPONSE REQUIRED: <b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
13.7 Library/ Resource Room	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.
18.04(6)(b)	
	<b>Rating: Implemented</b> RESPONSE REQUIRED: <b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
13.9 Outdoor Space	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.
18.04(7)(b)	Outdoor play areas shall be accessible to direct sunlight and free from hazards and/or harsh or abrasive materials. If adjacent to a highway or other dangerous area, it shall be fenced with a non-climbable barrier at least five feet high.
	<b>Rating: Implemented</b> RESPONSE REQUIRED: <b>No</b>







<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
1703(f); M.G.L. c. 76, § 5; 603 CMR 26.02(2)	
	<b>Rating: Partially Implemented</b> RESPONSE REQUIRED: <b>Yes</b>

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

*Student record review and staff interviews indicated not all important school information is 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</b> RESPONSE REQUIRED: <b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
15.5 Parent Consent and Required Notification  18.05(5)(c); 18.05(8); 18.05(9)(f)(1); 18.05 (9)(j); M.G.L. c. 71, § 32A	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> <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>



**AREA 16: HEALTH AND MEDICAL SERVICES**

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

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

CRITERION NUMBER	
	<b>Legal Standard</b>
16.4	The school shall have develop and implement policies and procedures for emergency



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>student's name, the name of the drug and the directions for its administration.</p> <ul style="list-style-type: none"> <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</b> RESPONSE REQUIRED: <b>No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.6 Administration of Antipsychotic Medication	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>
18.05(9)(f)(9)	<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 parent does not consent or is not available to give consent, the referral source</li> </ul>

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

CRITERION NUMBER	
	<b>Legal Standard</b>
<p>16.7 Preventive Health Care</p> <p>18.05(9)(g) M.G.L. c. 71, § 57 M.G.L. c. 111, § 111.</p>	<p>The school shall describe in writing a plan for the preventive health care of students:</p> <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>





**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</b>                      <b>RESPONSE REQUIRED: No</b></p>

PRIVATE SCHOOL PROGRAM REVIEW REPORT 2009

File Name: Boston Higashi School

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