



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

MELMARK NEW ENGLAND

PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW FINAL REPORT OF FINDINGS

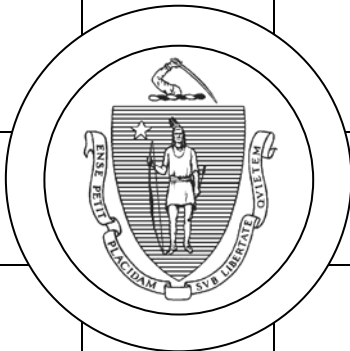
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Department of Elementary and Secondary Education Onsite Team Members:
Dee Wyatt, Chairperson
Mary Howard
Sandra Hanig



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

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

MELMARK NEW ENGLAND

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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 three-member Massachusetts Department of Elementary and Secondary Education team visited Melmark New England during the week of March 2, 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 Melmark New England. These features are as follows:

- The staff at Melmark New England strive to be leaders in their field by not only attending professional conferences, but also by presenting the findings of the research activities they have conducted. Since 2001, Melmark New England staff have conducted more than 300 presentations at professional conferences and have had 10 of their research findings published in journals, chapters, monographs or books. In addition, 7 of Melmark New England’s staff hold academic appointments.
- Biweekly academic meetings are held by the clinicians and educators to review all IEP objectives on each student in order to monitor program and teaching methodologies for effectiveness. In addition, biweekly clinical meetings are held by a senior clinician and members of the students’ treatment teams in order to ensure the effectiveness of all behavioral programs.
- Melmark New England utilizes a variety of self-assessment tools on a regular basis in order to continually improve upon its existing programs and practices. Information is gathered through parent surveys, professional development surveys, orientation program surveys, exit interview surveys, and feedback from monthly employee supervision meetings, in-service trainings, and all staff meetings.
- Upon admission, Melmark New England offers its parents a Family Handbook, which contains comprehensive information pertaining to all aspects of the educational and residential programs, and *The Family Education, Resources and Support Manual*, which contains community services that are available to families, as well as recommended books, articles and other resource services.
- In order to promote continued parental involvement, Melmark New England offers its parents many free training opportunities, a Parent Advisory Council, a Parent Support Group, and quarterly home visits for training and support.
- Melmark New England has developed behavior management strategies that have proven to be very effective for students with extremely challenging behaviors.
- Melmark New England offers an intensive one-month new staff orientation training program that incorporates research supported teaching techniques.

- Melmark New England offers extensive staff training and abundant opportunities for career advancement through collaboration with selected universities and colleges for coursework leading to degrees, licenses, and certifications in relevant fields.
- Melmark New England takes extraordinary steps with the local police departments to maintain the safety of the students, particularly the high-risk students that tend to run.
- To ensure the safety of its students at school and at the residences, Melmark New England conducts fire drills far in excess of the mandated requirements.
- The Melmark New England school building was thoughtfully designed in order to serve its targeted population in the most effective manner.

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 seven administrative staff.
- Interviews of five clinical staff.
- Interviews of three teaching and educational support services staff.
- Interviews of three childcare staff.
- Interviews of five 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 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: 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, 16 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.

MELMARK NEW ENGLAND

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

5.1(a) 9.1 9.3 12.1 12.2 12.2(f) 13.2 15.1

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

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 1: 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			

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Education Programs			
Area 9: Educational Program Requirements -- Student Discipline and Behavior Management			
Area 10: Educational Staffing Requirements -- Ratios			
Area 11: Educational Staffing Requirements -- Personnel Policies			
Area 12: Educational Staffing Requirements -- Staff Training			
Area 13: Physical Facility And Equipment Requirements			
Area 14: Requirements For Daily Care			
Area 15: Parent and Student Involvement			
Area 16: Health and Medical Services			
Area 17: Transportation Safety			
Area 18: Student Records			

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

DEFINITION OF TERMS
FOR THE RATING OF EACH COMPLIANCE CRITERION

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

AREA 1: CAPACITY

CRITERION NUMBER	Legal Standard
<p>1.2 Program & 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"> • Identified population of students to be served • Ages of students; • Educational characteristics; • Behavioral characteristics and • Philosophy, goals and objectives. <ul style="list-style-type: none"> • How each of the following educational services are implemented for the described student population of the school: <ul style="list-style-type: none"> ○ The content requirements of the Massachusetts Curriculum Frameworks; ○ Self-help, daily living skills; ○ Social/emotional needs; ○ Physical education; adapted physical education; ○ Pre-vocational, vocational, and career education; ○ English language support (for limited English proficient students) and ○ Other: any other specialized educational service(s) provided by the program. • How each of the following related services is or will be provided for the described student population of the school whose IEPs indicate such services: <ul style="list-style-type: none"> ○ Transportation; ○ Braille needs (blind/visually impaired); ○ Assistive technology devices/services; ○ Communication needs (all students including deaf/hard of hearing students); ○ Physical therapy; ○ Occupational therapy; ○ Recreation services; ○ Mobility/orientation training; ○ Psychological services, counseling services, rehabilitation counseling services, social work services; ○ Parent counseling and training; ○ School health services, medical services and ○ Other (e.g., music therapy, sensory integration therapy). • 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"> ○ 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

CRITERION NUMBER	
	Legal Standard
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"> • 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; • Fire Inspection. The school shall obtain a written report of an annual fire inspection from the local fire department; • 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; • Local Board of Health permit if providing food services; • 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); • Statement regarding the non-existence of PCBs, or, if PCBs are present then a containment plan; and • Other inspections that may be required by local or state authorities.
	RATING: Implemented RESPONSE REQUIRED: No

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

AREA 3: ADMINISTRATION - MANUALS AND HANDBOOKS

CRITERION NUMBER	Legal Standard
<p>3.1 Policies & 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"> • Reporting Suspected Child Abuse/Neglect to DCF and to the Disabled Persons Protection Commission (Criterion 3.1(c)); • Evacuation and Emergency Procedures (3.1(d) ; • Notification of Substantial Changes (Form 1) (Criterion 4.4); • Immediate Notification (Form2) (Criterion 4.5); • Student Admissions (Criterion 5.1); • State and District-Wide Assessments (Criterion 7.3); • Granting of High School Diplomas or Certificates of Attendance (Criterion 7.4); • Program Modifications and Support Services for Limited English Proficient (LEP) students (Criterion 8.4); • IEP Progress Reports (Criterion 8.8); • Less Restrictive Placement (Criterion 8.10); • Transition Planning (Criterion 8.11); • Behavior Management (Criterion 9.1); • Student Separation Resulting From Behavior Management (Criterion 9.1(a)); • Runaway Students (Criterion 9.3); • Physical Restraint (Criterion 9.4); • 3-5 Day Suspensions (Criterion 9.5); • 10+ Day Suspensions (Criterion 9.6); • Terminations (Criterion 9.7); • Supervision of Students (Criterion 11.11); • New Staff Orientation and Annual In-Service Training (Criterion 12.1 and 12.2); • Visiting, Mail and Telephones (Residential Schools only) (Criterion 14.4); • Parent Involvement (Criterion 15.1); • Change of Student’s Legal Status (Criterion 15.4); • Parent Consent and Notification(Criterion 15.5); • Registering Complaints and Grievances – parents, students and employees (Criterion 15.8); • Student Transportation and Transportation Safety (Only where applicable)

CRITERION NUMBER	
	Legal Standard
	(Criterion 17.1); and <ul style="list-style-type: none"> • 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).
	RATING: Implemented RESPONSE REQUIRED: No

3.1(c) Child Abuse Reporting 18.05(9)(i); M.G.L. c. 119, §§ 51A and B; M.G.L. c. 19C	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). <ul style="list-style-type: none"> • 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). • Policy must clarify that staff may report to DCF.
	RATING: Implemented RESPONSE REQUIRED: No

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

	<p>required student progress reports.</p> <ol style="list-style-type: none"> 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> 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. 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. 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.
	<p>RATING: Implemented RESPONSE REQUIRED: No</p>

<p>AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT LEARNING TIME</p>
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CRITERION NUMBER	
	Legal Standard
<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"> • Elementary – A total of: <p>10 month program – 900 hours 11 month program – 990 hours 12 month program – 1080 hours</p> • Secondary – A total of: <p>10 month program – 990 hours</p>

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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"> • 10 month program - 180 days • 11 month program – 198 days • 12 month program – 216 days <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>NOTE: All schools must meet the number of school days per ESE’s application approval plus five additional days for unforeseen circumstances.</p>
	RATING: Implemented RESPONSE REQUIRED: No

<p>AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS - CURRICULUM FRAMEWORKS AND STATE ASSESSMENTS</p>
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CRITERION NUMBER	
	Legal Standard
7.1 Curriculum	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.

CRITERION NUMBER	
	Legal Standard
Frameworks 28.05(4)(a, b); 28.09(9)(b)	
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
7.3 State/District Wide Assessments 28.09(9)(d)	<p>The program has a written procedure outlining how the school will ensure that <u>all</u> enrolled students participate in state and/or district wide assessments in accordance with the assessment participation information provided on the student’s IEP. Such procedures shall include:</p> <ul style="list-style-type: none"> • How the approved program will provide for MCAS testing accommodations and/or administration of alternate assessments as determined by each student’s Team; and • A narrative that describes the specific steps the school will take to ensure MCAS Alternate Assessment (MCAS-Alt) option is discussed and considered in all Team meetings for any Massachusetts student with a significant disability and/or who has previously failed the standard MCAS test.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
7.4 High School Diplomas and Certificates of Attendance M.G.L. c. 69, § 1D; Administrative Advisory	<p>The private special education program shall develop and implement a written policy and procedures that describes how it awards Massachusetts students either a high school diploma or a certificate that recognizes achievement, attendance, course completion, or participation.</p> <p>The policy must be written following the requirements set forth in Administrative Advisory SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements- Participation in MCAS Testing and High School Graduation Standards.</p>

CRITERION NUMBER	
	Legal Standard
	certified ESL teacher.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.5 Current IEP & Student Roster 28.09(5)(a)	The program has on file a current IEP for each enrolled Massachusetts student that has been issued by the responsible public school district and consented to and dated by the student’s parent(s) (or student, when applicable).
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.8 IEP – Progress Reports 28.07(3); 34 CFR 300.320(a)(3) (i, ii)	<p>Progress Reports and Content</p> <ul style="list-style-type: none"> • 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; • Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP; and • <u>The program shall send copies of progress reports to the parents and public school.</u> <p>NOTE: IEP must contain a description of:</p> <ul style="list-style-type: none"> • How the child's progress toward meeting the annual goals will be measured; and • When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

<p>AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT</p>

CRITERION NUMBER	
	Legal Standard
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	
	Legal Standard
	<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"> • 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. <p>NOTE: 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>
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
9.7 Terminations 18.05(7); 28.09(12)(b)	<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 agreement of the approved special education school and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.</p>

CRITERION NUMBER	
	Legal Standard
	RATING: Implemented RESPONSE REQUIRED: No

AREA 10: EDUCATIONAL STAFFING REQUIREMENTS - RATIOS
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CRITERION NUMBER	
	Legal Standard
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>
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.2 Age Range 28.06(6)(f, g)	<p>The program shall ensure that the ages of the youngest and oldest child in any instructional grouping shall not differ by more than forty-eight months (4 years).</p> <p>Prior to exceeding the forty-eight month timeframe, an Alternate Compliance Waiver (http://www.doe.mass.edu/pqa/sa_nr) must be requested and approved by the Department.</p>
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
10.4 Student: Direct Care Worker Ratios (Residential Schools only) 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.
	RATING: Implemented RESPONSE REQUIRED: No

AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES
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CRITERION NUMBER	
	Legal Standard
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"> • 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]; • Procedures for evaluation of staff; • Procedures for discipline of staff (including suspensions and dismissals); • Procedures for handling staff complaints (See Criterion 15.8); • A plan for using volunteer and/or intern services; and, • Statement of equal employment/educational opportunities in regard to race, color, creed, religion, national origin, sex, sexual orientation and handicap.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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>
	RATING: Implemented RESPONSE REQUIRED: No

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

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

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

CRITERION NUMBER	
	Legal Standard
11.10 Supervision of Direct Care Day & Residential Staff 18.03(4)	Each program shall provide ongoing and regular supervision of all 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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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"> • The school provides equal opportunity for all students to participate in intramural and interscholastic sports; and • 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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
28.09(7)(f); 28.09(9)(b); 28.09(10); 18.03(3); 18.05(9)(e)(1); 18.05(10); 18.05(11)(h) Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 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 style="text-align: center;">Legal Standard</p> <p>a. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission;</p> <p>b. Disciplinary and Behavior Management Procedures used by the program, such as positive reinforcement, point/level systems, token economies, time-out procedures and suspensions and terminations; as well as Restraint Procedures including de-escalation methods used by the program;</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"> • How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction; • Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and • Student record policies and confidentiality issues. <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually <u>to appropriate staff based on their job responsibilities</u>:</p> <ul style="list-style-type: none"> • CPR training and certification; • Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects); • Transportation safety (for staff with transportation-related job responsibilities); and • Student record policies and confidentiality issues (for staff who oversee, maintain or access student records).
	<p>RATING: Commendable RESPONSE REQUIRED: No</p>

Department of Elementary and Secondary Education Comment:

Documentation and interviews indicated that, in addition to the Department’s mandated training, Melmark New England provides its staff with many excellent training opportunities. In conjunction with University of Massachusetts – Boston, Northeastern University, Simmons College and Endicott College, employees have the opportunity to gain advanced degrees, licenses, and certifications. For staff convenience, Simmons and Endicott conduct classes onsite at Melmark. Other offerings are Behavior Analyst Certification Board Exam Prep Courses (BACB) and BACB Continuing Education Training (also offered to the public for a nominal fee). For employees interested in advancing their career, Melmark offers a Supervision Series training that consists of 14 sessions. In preparation for the presentation of research results, Melmark offers training in public speaking as well as publication writing.

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

AREA 14: REQUIREMENTS FOR DAILY CARE

CRITERION NUMBER	
	Legal Standard
14.1 Clothing, Grooming and Hygiene (Residential Schools only)	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)	
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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"> • 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

CRITERION NUMBER	
	Legal Standard
	<p>with applicable state and federal regulations.</p> <ul style="list-style-type: none"> • The school shall encourage students to eat a well balanced diet, but no student shall be force fed or otherwise coerced to eat against his/her will except where medically prescribed. • 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. • The school shall allow students to eat at a reasonable, leisurely rate. • Staff shall be present to assure that each student receives adequate amounts and variety of food. • Schools that serve meals to students shall prepare written menus each week and shall maintain copies of menu plans for typical weeks. • Schools shall provide or arrange for nutritional or mid-morning snacks for students, where appropriate.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
14.4 Visiting, Mail	Private programs shall develop and implement written policies and procedures pertaining to visiting and other forms of communication with family, friends and

CRITERION NUMBER	
	Legal Standard
and Telephones (Residential Schools only) 18.03(9)(a) and (b)	others. Written and telephone communication shall not be prohibited, nor shall a student's right to open and send mail which is unread by staff be infringed upon, except in accordance with the circumstances described in 603 CMR 18.03(9)(b)(1-5).
	RATING: Implemented RESPONSE REQUIRED: No

AREA 15: PARENT AND STUDENT INVOLVEMENT
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CRITERION NUMBER	
	Legal Standard
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.
	RATING: Commendable RESPONSE REQUIRED: No

Department of Elementary and Secondary Education Comment:

Documentation and interviews indicated that parent involvement is a significant element of Melmark New England's program. The school offers a Parent Advisory Council, a Parent Support Group, a "Turning 22" Committee, the Family Training Series which is free, ongoing training on a variety of topics in the field, a 10-week course entitled "Early Childhood – Basic Parent Training Program", and quarterly home visits by related services providers to offer training and support in the home environment.

CRITERION NUMBER	
	Legal Standard
15.3 Information to be Translated into Languages Other Than English Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, § 5; 603 CMR 26.02(2)	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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.5 Parent Consent and Required Notification	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"> • Annual: <ul style="list-style-type: none"> ○ Emergency medical treatment ○ Restraints

CRITERION NUMBER	
	Legal Standard
	<ul style="list-style-type: none"> • Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist. • Provisions must be made for refrigeration of medications, when necessary. • 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. • A review of medications administered to a student shall be incorporated into all case reviews conducted at the school with staff regarding the student.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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) <u>except under the following circumstances:</u>
18.05(9)(f)(9)	<ul style="list-style-type: none"> • 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. • 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. • No antipsychotic prescription shall be administered for a period longer than is medically necessary and students on antipsychotic medication must be carefully monitored by a physician. • Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any. • Except in an emergency, as defined in 18.05 (9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. If a student is in the custody of his/her parent(s), parental consent in writing is required. Parental consent may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial

CRITERION NUMBER	
	Legal Standard
	<p>and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with contents and antidote. The phone number for the nearest poison center must be posted clearly.</p> <ul style="list-style-type: none"> • Where appropriate, the school shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation. • The school shall require that all students have necessary immunizations as required by the Department of Public Health.
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.8 Receipt of Medical Treatment – Religious Beliefs 18.05(9)(k)	<p>The school shall develop and implement written policy and procedures regarding receipt of medical treatment based on religious beliefs. The policy must include that schools shall not require a student to receive medical treatment when a parent objects on the grounds of sincere religious belief, absent emergency or epidemic of disease declared by the Department of Public Health.</p>
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.11 Student Allergies 18.05(9)(h)	<p>The school shall develop and implement written policy and procedures for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.</p>
	RATING: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

AREA 17: TRANSPORTATION SAFETY

CRITERION NUMBER	
	Legal Standard
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.
	RATING: Implemented RESPONSE REQUIRED: No

AREA 18: STUDENT RECORDS

CRITERION NUMBER	
	Legal Standard
18.1 Confidentiality	Approved special education schools shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files

PRIVATE SCHOOL PROGRAM FINAL REPORT 2009

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