



# Massachusetts Department of Elementary and Secondary Education

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December 12, 2008

Ms. Brenda McCormick  
Interim Vice President of Residential Services  
2112 Riverdale Street  
West Springfield, MA 01089

Re: Onsite Follow-up Monitoring Report: Program Review Corrective Action Plan  
Verification and Mid-cycle Review

Dear Ms. McCormick:

Enclosed is the Department's Program Review Follow-up Monitoring Report together with findings regarding your private school's Mid-cycle Program Review. This report contains the Department's findings based on the onsite activities conducted in your school to verify the implementation status and effectiveness of corrective steps taken in response to your Program Review Report issued on February 1, 2007. This report also includes a report on the status of implementation for new state or federal special education requirements enacted since your school's last Program Review.

While the Department of Elementary and Secondary Education found certain noncompliance issues to be resolved, others were partially corrected and two new issues were identified by the Department's onsite team. Therefore, the Department is issuing a "Provisional Approval" status effective from the date of this letter and indicated on your approval certificate. Your "Provisional Approval" will expire on **March 27, 2009**. The reasons for the "Provisional Approval" are clearly indicated on the attached Corrective Action Plan Implementation Checklist.

As the Department previously informed you, in cases where a private school fails to fully and effectively implement a Corrective Action Plan which was proposed by your school and approved by the Department, the Department must then prepare a Corrective Action Plan for the school which must be implemented without further delay. You will find these requirements for corrective action and further progress reporting included in the attached report together with any steps that must be taken by the school to fully implement new special education requirements. Please provide the Department with your written assurance that the Department's requirements for corrective action will be implemented by your private school within the timelines specified. Your statement of assurance must be submitted to the Department's Onsite Chairperson by **January 9, 2009**.

Your staff's cooperation throughout these follow-up monitoring activities is appreciated. Should you require additional clarification of information included in our report, please do not hesitate to contact the Onsite Team Chairperson at 781-338-3704.

Sincerely,

Kerri Zeldis, Program Review Follow-up Chairperson  
Program Quality Assurance Services

Darlene Lynch, Director  
Program Quality Assurance Services

c: Mitchell D. Chester, Ed.D., Commissioner of Elementary and Secondary Education  
David M. Chadbourne, M.D., Chairperson, Board of Directors  
Vinnie Regan, Local Program Review Coordinator

Encl.: Follow-up Monitoring Report  
Provisional Private School Approval Certificate, Expiration Date: **March 27, 2009**

**MASSACHUSETTS DEPARTMENT OF  
ELEMENTARY AND SECONDARY EDUCATION  
PRIVATE SCHOOL MID-CYCLE PROGRAM REVIEW**

**Brightside, Inc.**

**ONSITE VERIFICATION OF CORRECTIVE ACTION PLAN IMPLEMENTATION  
AND/OR IDENTIFICATION OF ADDITIONAL FINDINGS REQUIRING CORRECTIVE ACTION**

**Action Plan Submitted on March 14, 2007  
Progress Reports Submitted on March 17, 2008 and June 17, 2008  
Onsite Visit Conducted on October 14, 15, and 16, 2008  
Date of this Report December 12, 2008**

<b>Criterion Number and Topic</b>	<b>Implementa- tion Status of Requirements or Corrective Action Plan Determined to be <u>Substan- tially</u> <u>Implemented</u></b>  √	<b>Method(s) of Verifica- tion</b>	<b>Comments Regarding Corrective Action Plan Implementation</b>	<b>Corrective Action Plan Determined to be <u>Not</u> <u>Fully</u> <u>Implemen- ted or</u> <u>Additional</u> <u>Issues</u> <u>Identified</u></b>  √	<b>Findings Regarding Incomplete Implementation of Approved Corrective Action Plan or Identification of Additional Issues of Noncompliance</b>	<b>Further Corrective Action Ordered by the Department of Elementary and Secondary Education and Timelines for Implementation and Further Progress Reporting</b>
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**Selected Approved Private School Mid-cycle Review Criteria**

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<b>2.2 Approvals, Licenses, Certificates of Inspection</b>  <b>18.04(1); 28.09(2)(b)(5); 28.09(5) (b); 28.09(6) (b, c)</b>	√	Documentation review  Observation	Brightside, Inc. provided current copies of all licenses, approvals, and certificates of inspection.	√		
<b>2.3 EEC Licensure</b>  <b>102 CMR 3.00 (Residential Schools only)</b>	√	Documentation review	Brightside, Inc. provided copies of all EEC licenses.			
<b>8.4 Program Modifications and Support Services for Limited English Proficient Students</b>  <b>M.G.L. c. 71A;</b>	√	Documentation review  Student record review	Brightside, Inc. submitted a copy of its written plan addressing how to serve Limited English Proficient (LEP) Students.			

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<b>Title VI</b>						
<b>8.5 Current IEP &amp; Student Roster</b>  <b>28.09(5)(a)</b>	√	Documentation review  Student record review	Brightside, Inc. submitted a roster of publicly funded Massachusetts students currently enrolled in the program containing all of the requirements under this criterion.			
<b>11.3 Educational Administrator Qualifications</b>  <b>28.09(5)(a);</b> <b>28.09(7)(a);</b> <b>603 CMR 44.00</b>	√	Documentation review	Brightside, Inc. submitted the name of its educational administrator and a copy of the ELAR activity sheet indicating certification as a special education administrator.			

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<b>11.4 Teachers (Special Education Teachers and Regular Education Teachers)</b>  <b>18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321</b>	√	Documentation review  Staff Interviews	Brightside Inc. submitted a current teaching staff roster indicating the name, title, role of each teacher in the program, grade level being taught, subject area being taught, and copies of ELAR activity sheets for each teacher.	√	The teaching staff roster indicated that three teachers have applied for waivers, but the status of their waiver applications is pending, which means that waivers can not be granted. In addition, three teachers are teaching in areas for which they are not properly licensed, and one of those teachers has applied for a waiver but the status of that waiver is also pending, and that teacher is not currently teaching in the subject area for which she requested a waiver.	Brightside, Inc. must submit current licenses or waivers (for the subject area in which the individual is teaching) for all teaching staff and a current teacher staff roster to the Department <b>by February 20, 2009</b> .
<b>11.5 Related Services Staff</b>  <b>28.09(7)(d)</b>	√	Documentation review	Brightside, Inc. submitted a current staff roster for all related service providers that includes the provider's name, title, role in the program, and a copy of the provider's license issued by the Massachusetts State Board of Registration.			

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11.6 Master Staff Roster  28.09(7)	√	Documentation review	Brightside, Inc. submitted a current master staff roster for all staff and a copy of the last approved Program Budget through its Extraordinary Relief approval dated July 27, 2007.	√	The master staff roster indicated a change or discrepancy for UFR #s 135 and 138 from the last approved Program Budget through its Extraordinary Relief approval dated July 27, 2007. Brightside, Inc. did not submit a written narrative addressing the change or discrepancy.	Brightside, Inc. must submit a written narrative addressing the change or discrepancy for UFR #s 135 and 138 from the last approved Program Budget through its Extraordinary Relief approval dated July 27, 2007 <b>by February 20, 2009.</b>

**Identified Areas of Non-Compliance During 2006 Program Review or Other Areas of Concern**

1.2 Program & Student Description, Program Capacity	√	Documentation review  Staff interviews	Brightside, Inc. submitted a written narrative addressing each of the requirements under this criterion.  In addition, staff interviews indicated that staff clearly understood the school's philosophy, goals, and objectives.			
2.1 Legal and Financial Status	√	Documentation review	Brightside, Inc. provided complete documentation regarding the legal ownership,			

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	√		governance, and management, including the name of the Chief Financial Officer and the names of the Board of Directors.	√		
<b>3.1 Policies and Procedures Manual</b>	√	Documentation review	Brightside, Inc. submitted a Policies and Procedures Manual containing a Table of Contents and a policy for all required areas.  In addition, Brightside, Inc. submitted a copy of its written notice sent annually to parents of enrolled students informing them that copies of such policies and procedures are available upon request.			
<b>3.2 Health Care Manual</b>	√	Documentation review	Brightside, Inc. submitted a Health Care Manual containing a Table of Contents that is clearly labeled and contains all of the requirements under this criterion.			
<b>4.2 Public Information and Postings</b>	√	Observation	Brightside, Inc. publicly posted all of the requirements under this criterion.			
<b>4.4 Advance</b>		Documentation review	Brightside, Inc. submitted a			

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<b>Notice of Proposed Program/Facility Change</b>	√		copy of all Form 1's that were filed within the last year.	√		
<b>4.5 Immediate Notification</b>	√	Documentation review Student record review	Brightside, Inc. submitted copies of all Form 2's that were filed within the last year.			
<b>5.1 Student Admissions</b>		Documentation review	Brightside, Inc. submitted a copy of its written admissions policy.	√	In its written admissions policy, Brightside, Inc. did not include a statement that the program maintains a copy of its policies and procedures manual onsite.	Brightside, Inc. must include in its written admissions policy a statement that the program maintains a copy of its policies and procedures manual onsite <b>by February 20, 2009.</b>
<b>6.1 Daily Instructional Hours</b>	√	Documentation review	Brightside, Inc. submitted a block schedule that included the beginning and ending time for each instructional block and all non-instructional time.  In addition, Brightside, Inc. submitted the total number of instructional hours per year with documentation that indicates it meets the requirements for daily instructional hours.			

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	√			√		
<b>6.1(a) Physical Education Requirements</b>	√	Documentation review	Brightside, Inc. submitted a copy of the school's written plan that describes the implementation of the physical education requirements and program offered to students.			
<b>7.1 Curriculum Frameworks</b>	√	Documentation review  Classroom observation	Brightside, Inc. provided a description of how the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program's instruction.  In addition, teacher lesson plans were available during classroom observations.			
<b>7.3 State/District Wide Assessments</b>	√	Documentation review  Student record review	Brightside, Inc. submitted a list of initials of Massachusetts students participating in MCAS testing and/or the MCAS Alternate Assessment.  In addition, Brightside, Inc. submitted the names of the staff responsible for ensuring that all Massachusetts students			

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			<p>participate in MCAS and that they are being assessed appropriately.</p> <p>Student record reviews indicated that all students are being assessed with either MCAS testing with or without accommodations or the MCAS Alternate Assessment.</p>			
<b>8.8 IEP-Progress Reports</b>		Student record review	Student record reviews indicated that progress reports are maintained in the student records.	√	Although progress reports are maintained in the student records, not all goals are addressed, not all information on student progress toward achieving the goal is documented, and not all progress reports were signed.	<p>Brightside, Inc. will conduct a training regarding writing progress reports to include all teaching staff.</p> <p>Brightside, Inc. will submit the agenda, sign-in sheet, and training materials to the Department <b>by February 20, 2009.</b></p> <p>Brightside, Inc. must review ten (10) student records (five (5) residential and five (5) day students) to ensure that all goals are addressed in progress reports, student progress</p>

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	√			√		<p>toward achieving the goal is documented, and that all progress reports are signed. The review must document the person responsible for this review, the results of the review, rate of compliance and any further follow-up steps taken, if needed.</p> <p>Brightside, Inc. will submit the results of the administrative record review to the Department by <b>February 20, 2009.</b></p>
<b>8.10 IEP-Less Restrictive Placement</b>	√	Documentation review	Brightside, Inc. submitted a copy of its written plan describing opportunities for LRE.			
<b>8.11 IEP-Transition Plan</b>	√	Documentation review Student record review	<p>Brightside, Inc. submitted a copy of its written transition plan.</p> <p>Student record reviews indicated that IEPs are supportive of the student's vision statement and reflect</p>			

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	√		transition goals and objectives.	√		
<b>9.1 Policies and Procedure for Behavior Management</b>	√	Student record review Staff interviews	Student record reviews and staff interviews indicated that the school's policies and procedures for behavior management are being implemented.			
<b>9.3 Runaway Students</b>	√	Documentation review Staff interviews	Brightside, Inc. submitted a copy of its written policy and procedure for addressing students who run away.  In addition, staff interviews indicated that the policy for runaway students is being implemented.			
<b>9.4 Physical Restraint (Day Program Only)</b>	√	Documentation review Student record review Staff interviews	Brightside, Inc. submitted a copy of its written physical restraint policies and procedures manual, a copy of its parent/guardian consent form, a review of restraints recorded for the last calendar year, and the names of staff who serve as restraint resources within the program and evidence of their training.			

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	√		<p>A review of student records indicated that parent/guardian consent forms for physical restraint were found in the student records.</p> <p>Staff interviews indicated that the physical restraint policy is being implemented.</p>	√		
9.5 3-5 Day Suspensions	√	Documentation review	Brightside, Inc. submitted a copy of its written suspension policies and procedures.			
9.6 10+ Day Suspensions		Documentation review	Brightside, Inc. submitted a copy of its written suspension policies and procedures.	√	Although Brightside, Inc. submitted a copy of its written suspension policies and procedures, it did not clearly indicate in these procedures its role as a participant on the IEP Team and that if the Team determines that the behavior is not a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any	Brightside, Inc. must submit its signed written suspension policies and procedures that contain all of the required elements <b>by February 20, 2009.</b>

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					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.	
<b>9.7 Terminations</b>	√	Documentation review	Brightside, Inc. submitted a copy of its written termination policy that clearly delineates between planned and emergency terminations.			
<b>10.1 Staffing for Instructional Groupings</b>	√	Documentation review	Brightside, Inc. submitted documentation that indicates the most recent ESE approved Student: Licensed Educator Ratio as well as the most recent ESE approved Student: Licensed Educator and Aide ratio.  In addition, Brightside, Inc. submitted block schedules that clearly display the numbers and initials of students, and the numbers and initials of licensed			

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	√		educators and aides in all classrooms for all periods throughout the school day.	√		
<b>10.2 Age Range</b>	√	Documentation review	Brightside, Inc. submitted block schedules for every classroom and every period indicating the initials of students with corresponding dates of birth.			
<b>10.4 Student: Direct Care Worker Ratios</b>	√	Documentation review Observation	Brightside, Inc. submitted a statement of the student: direct care worker ratio specifying the type of staff included within the ratio, as well as the shift.  In addition, Brightside, Inc. submitted documentation that indicates the most recent ESE approved student: direct care worker ratios for all residences on all shifts.  Observation of the residences revealed that student: direct care worker ratios were appropriately maintained.			
<b>11.2 Administrative</b>	√	Documentation review	Brightside, Inc. submitted the name of the designated			

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<b>Responsibility</b>	√		administrator who has administrative responsibility over the operation of the school.	√		
<b>11.7 Job Descriptions</b>	√	Documentation	Brightside, Inc. submitted written job descriptions with actual titles and UFR title numbers for all positions.			
<b>11.9 Organizational Structure</b>	√	Documentation review Staff Interviews	Brightside, Inc. submitted an organizational chart that illustrates and describes the lines of supervision for staff and students.  In addition, staff reported that the organizational structure of the program provides for the effective and efficient operation of the school, supervision of staff, and supervision of students.			
<b>11.10 Supervision of Direct Care Day and Residential</b>	√	Documentation review Staff Interviews	Brightside, Inc. submitted a plan indicating how regularly scheduled conferences will occur between direct care workers and supervisors to			

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Staff	√		<p>review ongoing case logs and to share information relative to the needs of individual students.</p> <p>In addition, Brightside, Inc. submitted a plan indicating how regularly scheduled conferences will occur between teachers, direct care workers, and other educational personnel to ensure coordination among all components of an individual student's program.</p> <p>Staff interviews indicated that staff meets regularly with their supervisors.</p>	√		
11.11 Supervision of Students	√	Observation	Observations indicated that Brightside, Inc. arranges for and schedules individual and group recreational programs appropriate to the age, interests, and needs of each student during the evening and weekend hours.			
12.1 New Staff Orientation	√	Documentation review	Brightside, Inc. submitted the name of the person responsible			

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and Training	√	Personnel record review	<p>for coordination and implementation of orientation training and a copy of the written orientation and training program for new staff.</p> <p>Personnel record reviews indicated that all new staff was provided with an orientation training program.</p>	√		
12.2 In-Service Training Plan and Calendar		Documentation review Personnel record review	<p>Brightside, Inc. submitted the name and job description for the staff person responsible for the development and implementation of the in-service training program/calendar.</p> <p>In addition, Brightside, Inc. submitted an annual detailed in-service training plan.</p>	√	Although Brightside, Inc. submitted the name and job description for the staff person responsible for the development and implementation of the in-service training program/calendar, as well as an annual detailed in-service training plan, all staff are not provided the required in-service trainings a – e under this criterion.	<p>Brightside, Inc. will conduct the required trainings a – e under this criterion for all staff.</p> <p>Brightside, Inc. will first submit the training plan identifying who will be trained in which required training topics <b>by January 9, 2009.</b></p> <p>Brightside, Inc. will then submit agenda, sign-in sheets, and training materials to the Department demonstrating that the required trainings have occurred <b>by February 20,</b></p>

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						<b>2009.</b>
<b>12.2(c) Required Training – CPR Certification</b>	√	Personnel record review	A review of the personnel records indicated that Brightside, Inc. developed and implemented a training plan for CPR certification.			
<b>12.2(f) Required Training – Emergency Procedures</b>	√	Documentation review  Personnel record review	<p>Brightside, Inc. submitted a copy of its evacuation logs for the past twelve (12) months for each school building, residence, and shift that includes date, time elapsed, participants, and witnesses.</p> <p>In addition, Brightside, Inc. submitted a copy of its emergency logs conducted for the past twelve (12) months that includes the date, time, and types of emergency drill conducted with staff.</p> <p>Brightside, Inc. also submitted an updated evacuation drill form, which includes the written</p>			

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	√		<p>evaluation of the effectiveness of emergency plans and procedures after each drill.</p> <p>Personnel record reviews indicated that staff was trained regularly on emergency procedures.</p>	√		
<b>13.4 Physical Facility/Architectural Barriers</b>	√	Observation Staff Interviews	Observations and staff interviews indicated 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.			
<b>14.2 Food and Nutrition</b>	√	Documentation review Observation Staff interviews	<p>Brightside, Inc. submitted a list for the month of all meals and snacks at the day school and residence.</p> <p>In addition, observations and staff interviews indicated that healthy snacks and fruit are</p>			

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	√		routinely provided to students.	√		
<b>14.3 Toileting Procedures and Individual Plans</b>	√	Observation Student record review	Observation of the residences and student record reviews indicated that individual toileting plans were found in the residences and in student records.			
<b>15.1 Parental Involvement and Parents' Advisory Group</b>	√	Documentation review	Brightside, Inc. submitted its written plan for involving parents and has a Parents' Advisory Group that advises the school on matters that pertain to the education, health, and safety of the students in the program.			
<b>15.3 Information to be Translated into Languages other than English</b>		Documentation review Student record review	Brightside, Inc. submitted a list of parents whose first language is not English.	√	Although Brightside, Inc. submitted a list of parents whose first language is not English, a review of student records indicated that while some forms were translated, progress reports and consents were not translated for parents whose first language is not English.	Brightside, Inc. will submit copies of translated progress reports and consents for all parents whose first language is not English <b>by February 20, 2009.</b>

Criterion Number and Topic	Implementation Status of Requirements or Corrective Action Plan Determined to be <u>Substantially Implemented</u>	Method(s) of Verification	Comments Regarding Corrective Action Plan Implementation	Corrective Action Plan Determined to be <u>Not Fully Implemented or Additional Issues Identified</u>	Findings Regarding Incomplete Implementation of Approved Corrective Action Plan or Identification of Additional Issues of Noncompliance	Further Corrective Action Ordered by the Department of Elementary and Secondary Education and Timelines for Implementation and Further Progress Reporting
<b>15.5 Parent Consent and Required Notification</b>	√	Student record review	Student record reviews indicated that some student records contained the required parent consents and required notifications.	√	<p>A review of student records indicated inconsistency with the required consent forms and parent notifications.</p> <p>In addition, standard forms were not found in all student records.</p>	<p>Brightside, Inc. must review ten (10) student records (five (5) residential and five (5) day students) to ensure that all consent forms are consistently maintained in student records. This must include the name of the person responsible for this review, the results of the review, rate of compliance and any further follow-up steps taken, if needed.</p> <p>Brightside, Inc. will submit the results of the administrative record review to the Department <b>by February 20, 2009.</b></p>
<b>15.8 Registering Complaints and Grievances – Parents, Students, and Employees</b>	√	Documentation review  Personnel record review	Brightside, Inc. developed written procedures for parents and students to follow when filing a complaint against the school.	√	Although Brightside, Inc. developed written procedures for parents and students to follow when filing a complaint against the school, the written procedures did not include employees. In addition, the written	Brightside, Inc. will submit revised, written procedures for parents, students, and employees to follow when filing a complaint against the school, which includes an appeals process by <b>February 20, 2009.</b>

Criterion Number and Topic	Implementation Status of Requirements or Corrective Action Plan Determined to be <u>Substantially Implemented</u>	Method(s) of Verification	Comments Regarding Corrective Action Plan Implementation	Corrective Action Plan Determined to be <u>Not Fully Implemented</u> or <u>Additional Issues Identified</u>	Findings Regarding Incomplete Implementation of Approved Corrective Action Plan or Identification of Additional Issues of Noncompliance	Further Corrective Action Ordered by the Department of Elementary and Secondary Education and Timelines for Implementation and Further Progress Reporting
	√			√		
					procedures did not provide for an appeals process.	
<b>16.2 Physician Consultation</b>	√	Documentation review	Brightside, Inc. submitted the name and address of the licensed physician contracted by the program.			
<b>16.4 Emergency First Aid and Medical Treatment</b>	√	Documentation review	Brightside, Inc. submitted a copy of its written policies and procedures for emergency first aid and treatment from the health care manual.			
<b>16.5 Administration of Medication</b>	√	Documentation review	Brightside, Inc. submitted a copy of its written policies and procedures for administration of medication.			
<b>16.6 Administration of Antipsychotic Medication</b>	√	Documentation review	Brightside, Inc. submitted a copy of its written policies and procedures for administration of antipsychotic medication.			
<b>16.7 Preventive Health Care</b>	√	Documentation review  Student record review	Brightside, Inc. submitted a copy of its written plan for preventive health care from its health care manual.  A review of student records			

<b>Criterion Number and Topic</b>	<b>Implementation Status of Requirements or Corrective Action Plan Determined to be <u>Substantially Implemented</u></b>  √	<b>Method(s) of Verification</b>	<b>Comments Regarding Corrective Action Plan Implementation</b>	<b>Corrective Action Plan Determined to be <u>Not Fully Implemented or Additional Issues Identified</u></b>  √	<b>Findings Regarding Incomplete Implementation of Approved Corrective Action Plan or Identification of Additional Issues of Noncompliance</b>	<b>Further Corrective Action Ordered by the Department of Elementary and Secondary Education and Timelines for Implementation and Further Progress Reporting</b>
			indicated that Brightside, Inc. routinely provides annual physical and dental examinations and vision, hearing, and posture screenings to all students.			
<b>17.1 Transportation Safety</b>	√	Documentation review	Brightside, Inc. submitted a copy of its written transportation policy.			
<b>18.1 Confidentiality of Student Records</b>	√	Student record review	Review of student records indicated that a log of access form is maintained in all student records.			