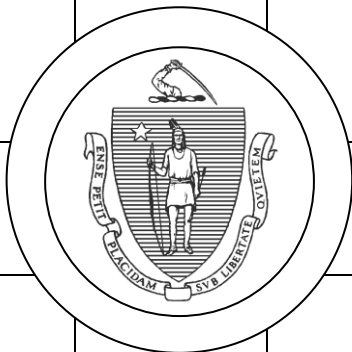




Massachusetts Department of  
ELEMENTARY & SECONDARY  
EDUCATION

**APPROVAL OF A  
PUBLIC OR PRIVATE  
DAY OR RESIDENTIAL  
SPECIAL EDUCATION SCHOOL PROGRAM -  
INITIAL PROGRAM APPLICATION**

**(IDEA-2004, M.G.L. c. 71B,  
603 CMR Section 18.00 and Section 28.00)**



2013-2014 School Year

**APPLICATION FOR DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
APPROVAL OF A MASSACHUSETTS PUBLIC OR PRIVATE DAY OR RESIDENTIAL  
SPECIAL EDUCATION SCHOOL INITIAL PROGRAM  
(IDEA-2004, M.G.L. c. 71B, 603 CMR Section 18.00 and Section 28.00)**

**Table of Contents**

<b>ELIGIBILITY STANDARD FOR FILING APPLICATIONS FOR APPROVAL</b>	<b>3</b>
<b>SUBMISSION OF NOTIFICATION OF INTENT TO APPLY FOR INITIAL APPROVAL PUBLIC OR PRIVATE PROGRAM</b>	<b>3</b>
<b>SUBMISSION OF APPLICATION FOR INITIAL APPROVAL</b>	<b>3</b>
<b>FACE SHEET</b>	<b>4</b>
<b>STATEMENT OF ASSURANCES</b>	<b>4</b>
<b>DETERMINATION OF APPROVAL STATUS</b>	<b>4</b>
<b>TEMPORARY APPROVAL AND PRICING OF PRIVATE PROGRAMS</b>	<b>4</b>
<b>PROVISIONAL APPROVAL</b>	<b>4</b>
<b>PROBATIONARY STATUS</b>	<b>5</b>
<b>FULL APPROVAL</b>	<b>5</b>
<b>Document #1: Face Sheet - Public and Private Programs</b>	<b>7</b>
<b>Document #2A: Private Program Statement of Assurances</b>	<b>9</b>
<b>Document #2B: Public Program Statement of Assurances</b>	<b>13</b>
<b>Document #3: Private/Public Program Proposed Learning Time Worksheet</b>	<b>16</b>
<b>COMPLIANCE CRITERIA</b>	<b>21</b>
<b>AREA 1: DEMONSTRATION OF NEED AND CAPACITY</b>	<b>21</b>
<b>AREA 2: ADMINISTRATION - LEGAL AND FINANCIAL DOCUMENTATION</b>	<b>25</b>
<b>AREA 3: ADMINISTRATION - MANUALS AND HANDBOOKS</b>	<b>27</b>
<b>AREA 4: DISCLOSURE OF INFORMATION</b>	<b>32</b>
<b>AREA 5: ADMINISTRATION AND ADMISSION PROCEDURES</b>	<b>35</b>
<b>AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT LEARNING TIME</b>	<b>40</b>
<b>AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS - CURRICULUM FRAMEWORKS AND STATE ASSESSMENT</b>	<b>42</b>
<b>AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS - INDIVIDUALIZED EDUCATION PROGRAMS</b>	<b>44</b>
<b>AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS - STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT</b>	<b>48</b>
<b>AREA 10: EDUCATIONAL STAFFING REQUIREMENTS - RATIOS</b>	<b>56</b>
<b>AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES</b>	<b>57</b>
<b>AREA 12: EDUCATIONAL STAFFING REQUIREMENTS - STAFF TRAINING</b>	<b>65</b>
<b>AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS</b>	<b>69</b>
<b>AREA 14: REQUIREMENTS FOR DAILY CARE</b>	<b>72</b>
<b>AREA 15: PARENT AND STUDENT INVOLVEMENT</b>	<b>75</b>
<b>AREA 16: HEALTH AND MEDICAL SERVICES</b>	<b>78</b>
<b>AREA 17: TRANSPORTATION SAFETY</b>	<b>86</b>
<b>AREA 18: STUDENT RECORDS</b>	<b>87</b>
<b>AREA 19: ANTI-HAZING</b>	<b>88</b>
<b>AREA 20: BULLYING PREVENTION AND INTERVENTION</b>	<b>89</b>
<b>Document #4: Private/Public Program Proposed Student Roster Form</b>	<b>90</b>
<b>Document #5: Private/Public Program Proposed Teacher Roster Form</b>	<b>91</b>
<b>Document #6: Private/Public Program Proposed Related Services Provider Roster Form</b>	<b>92</b>
<b>Document #7: Private Program Proposed Master Staff Roster Form</b>	<b>93</b>
<b>Document #8: Public Program Proposed Master Staff Roster Form</b>	<b>95</b>

## APPLICATION INSTRUCTIONS FOR THE INITIAL APPROVAL OF PUBLIC AND PRIVATE DAY AND RESIDENTIAL SPECIAL EDUCATION SCHOOL PROGRAMS

Pursuant to 603 CMR 28.09, the Department of Elementary and Secondary Education (“Department”) may grant approval to public and private day and residential school programs providing special education services in Massachusetts. Approval shall be granted by the Department in accordance with the provisions of Section 28.09. Once an initial program application is reviewed and the program receives either a “Provisional” or a “Full” approval status, special education school programs may enroll publicly funded Massachusetts special education students.

Additionally, 603 CMR 18.00 has been promulgated pursuant to M.G.L. c. 71B, § 10. 603 CMR 18.00 governs the program and safety standards for day and residential school programs operated by public and private entities that serve publicly funded students. The requirements set forth in 603 CMR 18.00 are in addition to, or in some instances clarify or further elaborate, the program approval standards set forth in 603 CMR 28.09.

*Approval for public and private special education school programs operating in Massachusetts is contingent on meeting the requirements of 603 CMR 28.09, “Approval of Public and Private Day and Residential Special Education School Programs” AND 603 CMR 18.00, “Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs.” Approval by the Department does not relieve special education school programs of their obligation to comply with other applicable state or federal statutory or regulatory requirements or with requirements set forth in their contracts with referral sources.*

### **Eligibility Standard for Filing Applications for Approval**

Any individual, not-for-profit corporation or agency, proprietary corporation or public educational collaborative or school district may file an application to establish and/or operate a special education school program in Massachusetts to serve eligible students with disabilities. The Department shall require justification for the need for such program and establish standards for approval. **Under federal and state law, there is an overriding obligation for public school districts to work cooperatively with education collaboratives and approved private school programs to ensure that students with disabilities are placed outside the general education environment only when the nature or severity of their disability is such that education in a less restrictive educational environment with the use of supplementary aids and services cannot be achieved satisfactorily. Additionally, for public special education school programs, the public school or educational collaborative must demonstrate that the program is being developed for programmatic reasons and not because of lack of space at an in-district location.** The Department reserves the right to deny approval if, in its discretion, it determines that circumstances warrant such action.

### **Submission of Notification of Intent**

**Before submitting an application for initial program approval a completed Form 3 found at [http://www.doe.mass.edu/pqa/sa\\_nr/](http://www.doe.mass.edu/pqa/sa_nr/) must first be filed with the Department.** *Within 10 days of receipt of this notice, the Department will be in contact with the program to schedule an onsite visit to review required application procedures and related approval standards.* During this visit, Department staff will meet with the program director(s) and/or designee(s) to provide technical assistance to the school program staff responsible for completing the application and tour the facility and observe the students enrolled in the program, if applicable.

### **Submission of Application**

After the preliminary onsite visit to review the Department’s application procedures and the program’s intent to apply for approval, the official application for approval, along with all required documentation, must be submitted for review by the Department. The bulleted Documentation Requirements listed in this booklet must be provided to the Department, while the Documentation Requirements appearing as a NOTE must be maintained onsite. The Department will review each application submitted using standard Department review procedures and will provide

the applicant with a checklist indicating the status of each part of the application. Throughout the review process, the Department will remain available to provide technical assistance. Before submitting an application, programs should familiarize themselves with the approval criteria contained in this booklet, as well as the Department's Form 1, Form 2 and Restraint form, which can all be found at [http://www.doe.mass.edu/pqa/sa\\_nr/](http://www.doe.mass.edu/pqa/sa_nr/).

### **Face Sheet**

The Department has developed a Face Sheet which must be included in the school program's application for initial approval. The face sheet requests the contact information of people from the program serving in specific positions, as well as some of the proposed elements of the application, such as proposed student enrollment and student: licensed educator ratio the program is seeking.

### **Statement of Assurances**

The Department has developed a Statement of Assurances which must be included in the school program's application for initial approval. These assurances reflect general requirements in 603 CMR 28.09 and 603 CMR 18.00, as well as other pertinent federal and state education requirements. Every public and private day and residential special education school program must carefully review each assurance. Before the Department approves a program, the authorities indicated below must sign and date the Statement of Assurances:

- **For Public Day and Residential Special Education School Programs**, the Superintendent of Schools, Administrator of Special Education, and School Committee Chairperson must all sign and date the Statement of Assurances. For programs operated by an education collaborative, the Statement of Assurances must be signed by the Chairperson of the Collaborative Board and the Collaborative Director.
- **For Private Day and Residential Special Education School Programs**, the President of the Board of Directors, the Executive Director and the Education Director must all sign and date the Statement of Assurances.

## **DETERMINATION OF APPROVAL STATUS**

### **Temporary Approval and Pricing of Private Programs**

The Department may issue a **Temporary Approval** pending the actual enrollment of students in a **private special education school program** and, if necessary, the completion of any further onsite visits by the Department. During this period, the private special education school program is not authorized to serve students in the new program until it is able to demonstrate to the Department that it meets the standards for Provisional Approval (see below). Additionally, **private special education school programs may not enroll students during the period of Temporary Approval until a price has been set by OSD.**

### **Provisional Approval**

**For public or private special education school programs** that do not meet all requirements for approval, the Department may issue a **Provisional Approval** effective for a period not to exceed 6 months, provided that the health and safety of the students are protected and the program demonstrates the ability to implement the goals and objectives of each enrolled student's IEP. During this period, the public or private special education school program that has applied for initial approval must submit all remaining required documentation that addresses the issues that did not meet approval requirements as determined through the initial application review and/or any onsite visit conducted by the Department.

### **Probationary Status**

The Department may place a **public or private day or residential special education school program** on **Probationary Status** if it becomes aware of conditions that, in the Department's judgment, compromise the program's ability to provide a safe, healthy and appropriate educational environment. In such circumstances, the Department shall provide written notice of the probationary status, the circumstances that caused the Department to take such action, and the actions necessary to correct the problem. Refer to 603 CMR 28.09(4) for a detailed explanation of standards and procedures in cases where the Department issues notice of Probationary Status to an out-of-district public or private special education school program.

The Department makes public notice on its website at <http://www.doe.mass.edu/pqa/> in all cases where it has determined that a public or private special education school program must be issued a Probationary approval rating.

### **Full Approval**

For a **public or private day or residential special education school program** that substantially meets all initial application requirements the Department will issue a **Full Approval**.

**For private day or residential special education school programs** this approval will remain in effect for three school years and will expire on August 31<sup>st</sup> of the third school year of approval unless the Department revokes such approval or issues a provisional or probationary approval as provided under 603 CMR 28.09. Thereafter, upon completion of its scheduled Program Review or Mid-cycle Review and issuance of the final reports, the Department will issue a new approval status. All programs must receive approval of all required corrective action plans that result from a Program Review or Mid-cycle Review in order to obtain a Full Approval status. For initial applicants that already have another existing, approved program, the newly approved program will be placed on the same approval cycle as the existing programs.

**For public day or residential special education school programs**, this approval will remain in effect for one school year.

### **Department of Elementary and Secondary Education Oversight of Out-of-District Public and Private Special Education School Programs**

**All programs will be periodically monitored by Department staff through announced and/or unannounced site visits using the Department's standard oversight procedures.**

#### **Program Oversight Procedures for Approved Public and Private Special Education School Programs**

Prior to the start of each school year, the Department will issue updated approval procedures clearly describing the content of the requirements to be addressed in the re-approval process. By **October 1st** of each school year, every approved publicly operated program and approved private special education school program will be required to prepare updated written information pertaining to selected approval requirements. Department staff will communicate with all school programs regarding the review of this updated application information. Where the Department deems necessary, an onsite visit will be scheduled and conducted to discuss the updated application information. Where the Department determines that an internal desk review of the application update materials is sufficient, a written checklist will be issued to the approved school program clearly indicating Department determinations and any questions or concerns related to each requirement addressed. The program will be given a due date for the submission of any additional and/or clarifying documentation. If the Department approves all criteria addressed within the application update materials, the program's "Full Approval" status will remain in effect. If all criteria are not approved with this submission, the Department shall issue a "Provisional Approval" or, if there are presenting health and safety issues and/or significant areas of non-compliance with education requirements, a

“Probationary Approval.” For programs receiving a “Provisional Approval” or “Probationary Approval,” the Department will clearly indicate the reasons for the reduced approval along with timelines for the program’s compliance and an expiration date of the approval status.

### **Monitoring Cycle For**

#### **Approved Publicly Operated Special Education School Programs and Collaboratives**

Publicly operated out-of-district special education school programs are subject to the Department’s cyclical onsite Coordinated Program Review and Mid-cycle Review procedures where such programs are operated in school districts undergoing these oversight procedures (see <http://www.doe.mass.edu/pqa/review/cpr/default.html>). Collaboratives are also monitored via the Coordinated Program Review and Mid-cycle Review procedures (see <http://www.doe.mass.edu/pqa/review/crs/>).

#### **Monitoring Cycle For Approved Private Special Education School Programs**

The Approved Private Special Education School Program will be scheduled for a full Program Review every six years, and a Mid-cycle Review occurring during the third year of that six year cycle. The monitoring standards applicable for the Program Review and the Mid-cycle Review and the 6 year cycle are posted on the web at <http://www.doe.mass.edu/pqa/review/>. For initial applicants that already have another existing, approved program, the newly approved program will be placed on the same approval cycle as the existing programs.

Upon completion and issuance of either a Program Review Final Report or a Mid-cycle Review Report, the program will receive an updated approval status. For programs receiving a “Full Approval,” this approval will remain in effect for three (3) school years expiring on August 31<sup>st</sup> of the third school year of approval. This approval will be contingent upon continued compliance with all regulations contained within 603 CMR 28.00, “Special Education Regulations,” and 603 CMR 18.00, “Program And Safety Standards For Approved Public or Private Day and Residential Special Education School Programs” as well as the Department’s approval of all required corrective action plans. The Department may change this approval status at any point during the three-year period if circumstances arise that warrant such a change. For Approved Private School Programs receiving a “Provisional Approval” or “Probationary Approval,” the Department will clearly indicate the reasons for the reduced approval along with timelines for compliance and an expiration date of the approval status.

**Completion of a Form 3 found at [http://www.doe.mass.edu/pqa/sa\\_nr/](http://www.doe.mass.edu/pqa/sa_nr/), Face Sheet (pages 7-8), Statement of Assurances (Private pages 9-12; Public pages 13-15), Proposed Learning Time Worksheet (16-20), Proposed Student, Teacher, and Related Service Provider Rosters (pages 90, 91 and 92), Proposed Master Staff Roster (Private pages 93-94; Public page 95), and submission of all applicable compliance documentation (pages 21-89) constitutes an application for Initial Department Approval of a Massachusetts Public or Private Day or Residential Special Education School Program.**

**Document #1: FACE SHEET FOR DEPARTMENT OF  
ELEMENTARY AND SECONDARY EDUCATION  
INITIAL APPROVAL OF A  
MASSACHUSETTS PUBLIC OR PRIVATE DAY OR RESIDENTIAL  
SPECIAL EDUCATION SCHOOL PROGRAM  
(IDEA-2004, M.G.L. c. 71B, 603 CMR Section 18.00 and Section 28.00)**

**PAGE 1 of 2**

DATE \_\_\_\_\_ SCHOOL YEAR \_\_\_\_\_

What type of program are you requesting approval for? (Check one)

Private       Public

Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Website: \_\_\_\_\_

Name of Program/School Name: \_\_\_\_\_

Primary Program Building Location (Attach and list additional approved buildings/residences):

\_\_\_\_\_

Name of Primary Contact: \_\_\_\_\_

Role: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email: \_\_\_\_\_

(Check one)

Day School Program       Residential School Program

(Check one)

10-month Program       11-month Program       12-month Program       Summer Program

EEC License/Approval Status (Residential only):

License Type: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Number of Days School will be in session: \_\_\_\_\_

Number of Days Residential School will operate (Where Applicable): \_\_\_\_\_

Total Instructional Hours proposed for the School Year: \_\_\_\_\_ hours

Current Enrollment: \_\_\_\_\_ Number of students Program Rate is based upon: \_\_\_\_\_

# Enrolled by Funding Source:

MA School Districts: \_\_\_\_\_ MA State Agencies: \_\_\_\_\_

Cost share State Agency and LEA: \_\_\_\_\_ MA Private Pay: \_\_\_\_\_ Private Pay Other States: \_\_\_\_\_

Public Pay Other States: \_\_\_\_\_ Other: (Describe) \_\_\_\_\_

**PAGE 2 OF 2**

Proposed Student: Licensed Educator Ratios: \_\_\_\_\_

Student: Licensed Educator Ratio is defined as the number of students within an instructional group **to** the number of licensed special education teachers or licensed regular education teachers. Report this ratio using the following format: # : #

If the program's instructional groups always contain aides, then write **Not Applicable** here and report the Student: Licensed Educator: Aide Ratio below. For Private programs this ratio should be based on the proposed budget that provides for a specific number of special education and regular education teachers for a specific number of students.

Proposed Student: Licensed Educator and Aide Ratios: \_\_\_\_\_

Student: Licensed Educator: Aide Ratio is defined as the number of students within an instructional group **to** the number of licensed special education teachers or licensed regular education teachers **to** the number of aides. Report this ratio using the following format: # : # : #

If a student is assigned a 1:1 aide within an instructional group, but overall that instructional group is not staffed 1:1, only include the overall instructional group ratio in this number.

For Private programs this ratio should be based on the proposed budget that provides for a specific number of special education and regular education teachers, and aides for a specific number of students.

Proposed Childcare-Student Ratios (Res only): Day: \_\_\_\_\_ Overnight: \_\_\_\_\_ Supervisors included? Yes\_ No\_

Name of Executive Director: \_\_\_\_\_

Phone Number or Extension: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Program Director: \_\_\_\_\_

Phone Number or Extension: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Educational Director: \_\_\_\_\_

Phone Number or Extension: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Residential Director: \_\_\_\_\_

Phone Number or Extension: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Civil Rights/Grievance Coordinator: \_\_\_\_\_

Phone Number or Extension: \_\_\_\_\_

Email: \_\_\_\_\_

Name of the President of the Board of Directors: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Other Important Contact: \_\_\_\_\_ Role: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_



**Document #2A: REQUEST FOR INITIAL APPROVAL  
OF A MASSACHUSETTS  
PRIVATE DAY OR RESIDENTIAL  
SPECIAL EDUCATION SCHOOL PROGRAM**

**STATEMENT OF ASSURANCES  
PAGE 1 OF 4**

**Name of Agency:**

**Name of Program:** \_\_\_\_\_

**1. Financial Solvency**

Pursuant to 603 CMR 28.09(2)(b)(4), WE assure the Department of Elementary and Secondary Education that the program is in good standing with the Massachusetts Department of Revenue, the Massachusetts Division of Employment Security and, with respect to federal employee withholding taxes, the United States Internal Revenue Service. WE further assure that WE will notify the Department of any financial difficulties that may impact the overall health and safety of the students enrolled and/or the delivery of services as specified in students' Individualized Education Programs. (Refer also to approval standard 2.1)

**2. Legal Status**

We assure the Department of Elementary and Secondary Education that WE adhere to all applicable provisions of 603 CMR 18.00 and 603 CMR 28.00. (Refer also to approval standard 2.1)

**3. Justification of Private Day or Residential School Program**

Pursuant to 603 CMR 28.09(2)(b)(1), WE assure the Department of Elementary and Secondary Education that the private program is developed as a result of persuasive evidence (through research or demographic information) that the students the program serves (or intends to serve) need and will use the program.

**4. Civil Rights**

Pursuant to 603 CMR 26.00 as amended by chapter 199 of the Acts of 2011, 603 CMR 28.06(3)(f)(5), and 603 CMR 18.05(11)(j), WE assure the Department that the program does not discriminate in the enrollment of students and in the employment of personnel on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.

**5. Accessibility**

Pursuant to 603 CMR 18.04, WE assure the Department of Elementary and Secondary Education that the physical facility of the program is in full compliance with accessibility requirements of state and federal law OR if not fully compliant, WE will submit a plan and a timetable for the Department's approval that describe how the school will make all programs and services accessible to students.

**6. Staff Qualifications**

Pursuant to 603 CMR 28.09(7)(b) and (d) and 603 CMR 18.05 (11)(f), WE assure the Department of Elementary and Secondary Education that the staff of the program is fully qualified, licensed, and/or certified in its professional areas and at the correct grade levels appropriate to meet the needs of the population served at the program. In the event that qualified professional staff is not available, WE assure the Department that the program will make application to the Commissioner of Elementary and Secondary Education for the approval of any applicable waiver of these requirements.

**7. Student Learning Time**

Pursuant to G. L. c. 69, § 1G, as amended, and consistent with the requirements of 603 CMR 27.00, WE assure the Department of Elementary and Secondary Education that each enrolled student, including students served in alternative education programs and out-of-district special education programs, is scheduled to receive a minimum of

425/900/990 hours (kindergarten/elementary/secondary) of structured learning time. Student learning time for grades 1-12 is distributed over a minimum of 180 school days each year.

### **8. Full IEP Implementation**

Pursuant to 603 CMR 28.05(4)(a), WE assure the Department of Elementary and Secondary Education that the program will ensure all student IEPs are current, signed and will be fully implemented, including the provision of specially designed instruction to meet the unique needs of the individual students and/or related services necessary to assist the students to benefit from special education and/or access the general curriculum.

### **9. Least Restrictive Environment**

Pursuant to 603 CMR 28.09(9)(c), WE assure the Department of Elementary and Secondary Education that the program will actively develop and implement flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. WE further assure the Department of Elementary and Secondary Education that the program will work actively in partnership with placing school districts to adhere to all provisions of state and federal law which mandate placement of students in settings which are the least restrictive to meet their individual needs.

### **10. Curriculum**

Pursuant to 603 CMR 28.09(9)(b), WE assure the Department of Elementary and Secondary Education that the program's teaching staff have an understanding and knowledge of the Massachusetts Curriculum Frameworks. Additionally, the program has incorporated the Massachusetts Curriculum Frameworks into the program's instruction and provides students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards. Pursuant to 603 CMR 28.09(9)(d), WE ensure that all enrolled students participate in state assessment programs in accordance with the assessment participation information provided on the student's IEP. (Refer to Administrative Advisory SPED 2002-4 REVISED at [http://www.doe.mass.edu/sped/advisories/02\\_4.html](http://www.doe.mass.edu/sped/advisories/02_4.html) for detailed guidance on MCAS participation and high school graduation standards.)

### **11. Smoking**

WE assure the Department of Elementary and Secondary Education that the program will comply fully with public and private school provisions of the federal Pro-Children Act of 1994 (Section 1041 of the Goals 2000: Educate America Act, P.L. 103-227, 20 USC 6081) which prohibits smoking inside facilities used for preschool, elementary or secondary education or library services to children and on public school grounds. In addition, WE assure that the program will comply with M.G.L. c. 71, § 37H, which prohibits smoking by any individual within the school buildings, grounds, facilities and buses serving publicly funded students. (Refer also to approval standards 3.2 and 16.12)

### **12. Parent Involvement**

Pursuant to 603 CMR 18.05(4), WE assure the Department of Elementary and Secondary Education that the program will have a written plan for involving parents and shall have a Parents' Advisory Group.

### **13. Discipline, Behavior Management**

WE assure the Department of Elementary and Secondary Education that all provisions relating to the discipline of students, including but not limited to, behavior management, use of restraint, suspensions and planned and emergency terminations are implemented consistent with the provisions of federal IDEA-2004, and its implementing regulations as well as 603 CMR 28.00, 603 CMR 18.00 and 603 CMR 46.00 (where applicable).

### **14. Policy and Procedures**

Pursuant to 603 CMR 28.09(11), WE assure the Department of Elementary and Secondary Education that the program has developed and keeps current a comprehensive manual of all required policies and procedures required in these application standards.

**15. Criminal Offender Record Information - “CORI” (Applicable to all out-of-district programs except those already licensed by the Massachusetts Department of Early Education and Care)**

Pursuant to G.L. c. 71, § 38R, WE assure the Department of Elementary and Secondary Education that the program conducts criminal record information (“CORI”) checks on current and prospective employees, volunteers, school transportation providers and others who may have direct and unmonitored contact with children. Further, WE assure that the program maintains a CORI Policy and obtains “CORI” from the Massachusetts Criminal History Systems Board (CHSB), the state agency authorized to provide CORI to certified agencies, at least every three (3) years during an individual’s term of employment or service. (Refer also to approval standard 11.1)

**16. Notifications**

Pursuant to 603 CMR 28.09(5), WE assure the Department of Elementary and Secondary Education that the program will notify the Department using the required standard Form 1 of any substantial change in its legal or financial status; the enrollment of students; the program or physical plant; and the staffing pattern and certification and/or credentials of staff listed on that form.

WE will also notify the Department of any other substantial change that may affect the program’s approval status as issued by the Department of Elementary and Secondary Education. When it is anticipated that a change in an approved private school program will result in a request for tuition adjustment, WE will document with the notification that (1) WE have informed all purchasers of the change and any potential for a resulting tuition adjustment; (2) WE have invited comment from all purchasers regarding such change(s); (3) WE have considered and responded to all comments; and (4) we will provide a list of the public school districts that are financially responsible for the students currently enrolled, the number of students from each of those school districts and the annual tuition increase impact on each school district.

Additionally WE assure the Department that in the event of a serious incident affecting the well being of any student, WE will immediately notify the Department of Elementary and Secondary Education (by telephone and in writing) using the required standard Form 2 pursuant to all applicable state requirements, and in applicable situations, we will submit promptly the Department of Elementary and Secondary Education Physical Restraint Report [603 CMR 46.06(5)].

**17. Contracts**

WE assure the Department of Elementary and Secondary Education that the program enters into written contracts with responsible school districts for the placement of Massachusetts students enrolled in this public or private out-of-district program. At a minimum, the content of such contracts meets the requirements of 603 CMR 28.06(3)(f). (Refer to Administrative Advisory SPED 2002-5 at [http://www.doe.mass.edu/sped/advisories/02\\_5.html](http://www.doe.mass.edu/sped/advisories/02_5.html) for details on Contracts.)

**18. Aspects of Program, Staff Credentials and Student Records**

WE assure the Department of Elementary and Secondary Education that the private special education program shall make available to the Department information on all aspects of the program(s), the certification and/or credentials of its staff and the individual records of enrolled Massachusetts students pursuant to 28.09(5)(a).

**19. Anti-Hazing**

Pursuant to G.L. c. 269 §§ 17 through 19, WE assure the Department that the principal of each private program that is a secondary school issues a copy of the anti-hazing law to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the program’s anti-hazing disciplinary policy approved by the school committee. Further, WE assure each private program that is a secondary school files, at least annually by October 1st, a report with the Department certifying:

- a) Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of G.L. c. 269 §§ 17 through 19;

- b) Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and
- c) That the hazing policy has been included in the student handbook or other means of communicating school policies to students.

**20. Bullying Prevention and Intervention**

We assure the Department that we will comply with [An Act Relative to Bullying in Schools](http://www.mass.gov/legis/laws/seslaw10/sl100092.htm), Chapter 92 of the Acts of 2010, requiring school leaders to create and implement strategies to prevent bullying, and to address bullying promptly and effectively when it occurs. The law in its entirety can be viewed at <http://www.mass.gov/legis/laws/seslaw10/sl100092.htm>.

**Signed Assurance Given by:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
(Executive Director)

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
(Educational Administrator)

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
(President of Board of Directors)

**Document #2B: REQUEST FOR INITIAL APPROVAL  
OF A MASSACHUSETTS  
PUBLIC DAY OR RESIDENTIAL  
SPECIAL EDUCATION SCHOOL PROGRAM**

**STATEMENT OF ASSURANCES  
PAGE 1 OF 3**

**Name of School District/Collaborative:**

**Name of Program:** \_\_\_\_\_

**1. Legal Status**

We assure the Department of Elementary and Secondary Education (“Department”) that WE adhere to all applicable provisions of 603 CMR 18.00 and 603 CMR 28.00. (Refer also to approval standard 2.1)

**2. Justification of Public Special Education School Program**

Pursuant to 603 CMR 28.09(2)(c), WE assure the Department that the public program or educational collaborative program is developed for programmatic reasons and not because of lack of space at an in-district location.

**3. Civil Rights**

Pursuant to 603 CMR 26.00 as amended by chapter 199 of the Acts of 2011, 603 CMR 28.06(3)(f)(5), and 603 CMR 18.05(11)(j), WE assure the Department that the program does not discriminate in the enrollment of students and in the employment of personnel on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.

**4. Accessibility**

Pursuant to 603 CMR 18.04, WE assure the Department that the physical facility of the program is in full compliance with accessibility requirements of state and federal law OR if not fully compliant, WE will submit a plan and a timetable for the Department’s approval that describe how it will make all programs and services accessible to students.

**5. Staff Qualifications**

Pursuant to 603 CMR 28.09(7)(b) and (d) and 603 CMR 18.05 (11)(f), WE assure the Department that the staff of the program are fully qualified, licensed, and/or certified in their respective professional areas and at the correct grade levels appropriate to meet the needs of the population served at the program. In the event that qualified professional staff are not available, WE assure the Department that the program will make application to the Commissioner of Elementary and Secondary Education for the approval of any applicable waiver of these requirements.

**6. Student Learning Time**

Pursuant to G. L. c. 69, § 1G, as amended, and consistent with the requirements of 603 CMR 27.00, WE assure the Department that each enrolled student, including students served in alternative education programs and out-of-district special education programs, is scheduled to receive a minimum of 425/900/990 hours (kindergarten/elementary/secondary) of structured learning time. Student learning time for grades 1-12 is distributed over a minimum of 180 school days each year.

**7. Full IEP Implementation**

Pursuant to 603 CMR 28.05(4)(a), WE assure the Department that the program will ensure all student IEPs are current, signed and will be fully implemented, including the provision of specially designed instruction to meet the unique needs of the individual students and/or related services necessary to assist the students to benefit from special education and/or access the general curriculum.

### **8. Least Restrictive Environment**

Pursuant to 603 CMR 28.09(9)(c), WE assure the Department that the program will actively develop and implement flexible procedures and mechanisms that maximize opportunities for enrolled students to gain the capacity to return to a less restrictive educational program. WE further assure the Department that the program will work actively in partnership with placing school districts to adhere to all provisions of state and federal law which mandate placement of students in settings which are the least restrictive to meet their individual needs.

### **9. Curriculum**

Pursuant to 603 CMR 28.09(9)(b), WE assure the Department that the program's teaching staff have an understanding and knowledge of the Massachusetts Curriculum Frameworks. Additionally, the program has incorporated the Massachusetts Curriculum Frameworks into the program's instruction and provides students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards. Pursuant to 603 CMR 28.09(9)(d), WE ensure that all enrolled students participate in state assessment programs in accordance with the assessment participation information provided on the student's IEP. (Refer to Administrative Advisory SPED 2002-4 REVISED at [http://www.doe.mass.edu/sped/advisorics/02\\_4.html](http://www.doe.mass.edu/sped/advisorics/02_4.html) for detailed guidance on MCAS participation and high school graduation standards.)

### **10. Smoking**

WE assure the Department that the program will comply fully with provisions of the federal Pro-Children Act of 1994 (Section 1041 of the Goals 2000: Educate America Act, P.L. 103-227, 20 USC 6081) which prohibits smoking inside facilities used for preschool, elementary or secondary education or library services to children and on public school grounds. In addition, WE assure that the program will comply with M.G.L. c. 71, § 37H, which prohibits smoking by any individual within the school buildings, grounds, facilities and buses serving publicly funded students. (Refer also to approval standards 3.2 and 16.12)

### **11. Parent Involvement**

Pursuant to 603 CMR 18.05(4), WE assure the Department that the program will have a written plan for involving parents and shall have a Parents' Advisory Group.

### **12. Discipline, Behavior Management**

WE assure the Department that all provisions relating to the discipline of students, including but not limited to, behavior management, use of restraint, suspensions and planned and emergency terminations are implemented consistent with the provisions of federal IDEA-2004, and its implementing regulations, as well as 603 CMR 28.00, 603 CMR 18.00 and 603 CMR 46.00.

### **13. Policy and Procedures**

Pursuant to 603 CMR 28.09(11), WE assure the Department that the program has developed and keeps current a comprehensive manual of all required policies and procedures required in the application standards.

### **14. Criminal Offender Record Information - "CORI" (Applicable to all out-of-district programs except those already licensed by the Massachusetts Department of Early Education and Care)**

Pursuant to G.L. c. 71, § 38R, WE assure the Department that the program conducts criminal record information ("CORI") checks on current and prospective employees, volunteers, school transportation providers and others who may have direct and unmonitored contact with children. Further, WE assure that the program maintains a CORI Policy and obtains "CORI" from the Massachusetts Criminal History Systems Board (CHSB), the state agency authorized to provide CORI to certified agencies, at least every three (3) years during an individual's term of employment or service. (Refer also to approval standard 11.1)

### **15. Notifications**

Pursuant to 603 CMR 28.09(5), WE assure the Department that the program will notify the Department of any substantial change that impacts:

the ability of the program to deliver services to students by appropriately licensed staff;

the enrollment of students, including the program's current Student: Licensed Educator ratio and/or Student: Licensed Educator : Aide ratio; or the overall operation of the program, such as a program closure or a building facility issue effecting the health or safety of students.

WE will also notify the Department of any other substantial change that may affect the program's approval status as issued by the Department. Additionally WE assure the Department that in the event of a serious incident affecting the well being of any student, WE will immediately notify the Department (by telephone and in writing) pursuant to all applicable state requirements, and in applicable situations, we will submit promptly the Department's Physical Restraint Report [603 CMR 46.06(5)].

**16. Contracts**

WE assure the Department that the program enters into written contracts with responsible school districts for the placement of Massachusetts students enrolled in this public out-of-district program. At a minimum, the content of such contracts meets the requirements of 603 CMR 28.06(3)(f). (Refer to Administrative Advisory SPED 2002-5 at [http://www.doe.mass.edu/sped/advisories/02\\_5.html](http://www.doe.mass.edu/sped/advisories/02_5.html) for details on Contracts.)

**17. Aspects of Program, Staff Credentials and Student Records**

WE assure the Department of Elementary and Secondary Education that the public program shall make available to the Department information on all aspects of the program(s), the certification and/or credentials of its staff and the individual records of enrolled Massachusetts students pursuant to 28.09(5)(a).

**18. Anti-Hazing**

Pursuant to G.L. c. 269 §§ 17 through 19, WE assure the Department that the principal of each public program that is a secondary school issues a copy of the anti-hazing law to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the program's anti-hazing disciplinary policy approved by the school committee. Further, WE assure each public program that is a secondary school files, at least annually by October 1st, a report with the Department certifying:

- a) Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of G.L. c. 269 §§ 17 through 19;
- b) Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and
- c) That the hazing policy has been included in the student handbook or other means of communicating school policies to students.

**19. Bullying Prevention and Intervention**

We assure the Department that we will comply with [An Act Relative to Bullying in Schools](#), Chapter 92 of the Acts of 2010, requiring school leaders to create and implement strategies to prevent bullying, and to address bullying promptly and effectively when it occurs. The law in its entirety can be viewed at <http://www.mass.gov/legis/laws/seslaw10/sl100092.htm> .

**Signed Assurance Given by:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
(Superintendent or Executive Director)

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
(Educational Administrator)

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
(School Committee Chair or President of Board of Directors)

**Document #3: Private/Public Day or Residential Special Education School Program  
PROPOSED LEARNING TIME WORKSHEET  
Criteria 6.1 & 6.4**

**PURPOSE:**

The purpose of the Student Learning Time Regulations (603 CMR 27.00) is to ensure that every publicly-funded school in Massachusetts provides sufficient structured learning time equitably for all students. The Department of Elementary and Secondary Education (“Department”) requires each publicly-funded Massachusetts student attending an approved private or public special education school program to be scheduled to receive the number of instructional hours the program was approved by the Department to deliver unless otherwise indicated in a student’s IEP. As part of the Department’s efforts to ensure compliance with these regulations, the Department reviews the structured learning time for every proposed program an agency wishes to operate in order to verify that all students will be scheduled to receive the approved amount in accordance with the monitoring standards addressing daily instructional hours, school days per year, release of high school seniors, and state physical education requirements. An agency is required to make any changes necessary to conform with the Board of Elementary and Secondary Education’s regulations in this regard.

**DIRECTIONS:**

An agency must complete and submit the worksheet in order for the Department to determine if students will be scheduled to receive the required number of instructional hours. A separate worksheet must be used for each proposed program where an agency intends to operate more than one program.



**AGENCY  
PROPOSED STUDENT LEARNING TIME WORKSHEET  
(Page 1 of 2)**

**Agency Name:** \_\_\_\_\_

**Program Name(s):** \_\_\_\_\_

1. How many total days are scheduled for the school year including days set aside for professional development and weather-related days?  
\_\_\_\_\_days
  
2. How many days in the school year are ALL students scheduled to attend?
  - Do not include kindergarten.
  - Do not include orientation days unless all grades are in attendance.
  - Do not subtract senior early release days.\_\_\_\_\_days
  
3. If the program operates any middle school programs, they are designated as:  
(Check one) \_\_\_\_\_Elementary (900 hours) OR \_\_\_\_\_Secondary (990 hours)
  
4. How many annual hours is the program scheduled for kindergarten students? (label "NA" any type of program that does not exist.)  
\_\_\_\_\_ Morning half-day programs  
\_\_\_\_\_ Afternoon half-day programs  
\_\_\_\_\_ Full-day programs
  
5. Are there any programs operated by the agency that are not in full compliance with program review criteria PS 6.1, 6.1(a) and 6.4?

Yes    No

**(See Next Page)**

**AGENCY  
PROPOSED STUDENT LEARNING TIME WORKSHEET  
(Page 2 of 2)**

**Agency Name:** \_\_\_\_\_

**Program Name(s):** \_\_\_\_\_

If “yes,” identify the programs(s) and, for each, the area(s) of noncompliance

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and attach the agency’s plan to bring all programs into full compliance. At a minimum, this plan must include:

- A complete description of the corrective action activities the agency will implement
- Target completion dates
- Anticipated results
- Evidence of completion
- Person(s) responsible for implementation of activities
- The agency’s process for evaluating corrective action and ensuring ongoing compliance

\_\_\_\_\_  
*(Signature and title of Executive Director completing this worksheet or designee)*

\_\_\_\_\_  
*(Date)*

**PROGRAM**  
**PROPOSED STUDENT LEARNING TIME WORKSHEET**  
(Page 1 of 2)

**Name of Program:** \_\_\_\_\_

**Level (Elementary, Middle, Secondary):** \_\_\_\_\_ **Grades in Program:** \_\_\_\_\_

**Check One:**

This worksheet applies to all students within the program.

There is a separate copy of this worksheet attached for each instructional group whose schedule does not conform to the program's standard instructional schedule.

(On the separate copy, write the name of the group after the name of the program.)

1. Of the number of student days scheduled in the student year (the number of days the Department approved your program to operate), how many are scheduled early release days or scheduled delayed opening days (e.g., day before holiday, professional development, parent conferences)?  
\_\_\_\_\_ days
2. How many annual structured learning hours are students missing due to scheduled early release or scheduled delayed opening?  
\_\_\_\_\_ hrs. \_\_\_\_\_ mins.
3. The student day begins at \_\_\_\_\_ A.M. and ends at \_\_\_\_\_ P.M.; therefore the student day contains:  
\_\_\_\_\_ hrs. \_\_\_\_\_ mins.
4. How does the program count instructional time?:
  - a. If the program does not count all time as instructional time, indicate how much time is spent per day in homeroom, at breakfast and lunch, passing between classes, at recess, conducting health screenings and preventative services and in non-directed study: \_\_\_\_\_ hrs \_\_\_\_\_ mins.
  - b. If the program counts all time as instructional time, enter zero here \_\_\_\_\_ hrs \_\_\_\_\_ mins.
5. Subtract the amount of daily non-instructional time in number 4 from the total time indicated in number 3. This gives the daily structured learning time per student.  
\_\_\_\_\_ hrs. \_\_\_\_\_ mins.
6. How many days in a school year are **ALL STUDENTS** scheduled to attend?
  - Do not include kindergarten.
  - Do not include orientation days unless all students are required to attend.
  - Do not subtract senior early release days.\_\_\_\_\_ days
7. Multiply the daily structured learning time indicated in number 5 by the number of student days in number 6. This equals:  
\_\_\_\_\_ hrs. \_\_\_\_\_ mins.
8. From the total in number 7, subtract the time not scheduled because of early release or delayed opening indicated in number 2. This gives the amount of annual structured learning time.  
\_\_\_\_\_ hrs. \_\_\_\_\_ mins

**(See Next Page)**

**PROGRAM  
PROPOSED STUDENT LEARNING TIME WORKSHEET  
(Page 2 of 2)**

**Name of Program:** \_\_\_\_\_

9. List all grades (including kindergarten) in which physical education is taught as a required subject for all students in the grade:

Grades: \_\_\_\_\_

10. (Only for programs that have grade 12)

What was the last day of attendance for seniors last year? \_\_\_\_\_

What was the date of graduation last year? \_\_\_\_\_

What was the regular scheduled closing date for your school last year? \_\_\_\_\_

(NOTE: No other group of students (grades 1-11) is eligible for release before the end of the school year.)

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*(Signature and title of Education Admin., Education Dir. or Principal completing this worksheet) (Date)*

**Note: Where this program does not comply with the learning time requirements an action plan to bring it into full compliance must be submitted by the agency.**

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

**APPROVAL CRITERIA AND DOCUMENTATION REQUIREMENTS  
FOR MASSACHUSETTS  
PUBLIC OR PRIVATE DAY OR RESIDENTIAL  
SPECIAL EDUCATION SCHOOL PROGRAMS  
School Year 2013-2014**

Compliance Criteria

The Department has selected from the complete set of requirements certain key compliance criteria that it believes to be the most essential in providing programs of high quality for students with IEPs enrolled in these most restrictive public or private special education settings. These compliance criteria serve as the focus for required document submissions and the subsequent periodic onsite monitoring of these programs by the Department.

**AREA 1: DEMONSTRATION OF NEED AND CAPACITY**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
1.1 Demonstration of Need for Program  28.09(2)(b)(1); 28.09(2)(c)	<p><b>For Both Public and Private programs:</b>                      A demonstration of the need for the program is required for approval from the Department. The program must provide persuasive evidence in the form of a written needs assessment that the students the program proposes to serve do need and will use the program.</p> <p><b>For Public programs Only:</b></p>	<p><b>For both Public and Private programs:</b></p> <ul style="list-style-type: none"> <li>• A written needs assessment, including results of studies conducted or data summarized from questionnaires and/or surveys. These must include proof of consultation with existing educational collaborative and approved private</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>Public special education school programs, the public school or educational collaborative must demonstrate the unique special education needs of students to be enrolled in the program and the reasons why these needs cannot be met in an in-district program through a fully developed narrative statement showing that the program is developed for programmatic reasons and not because of lack of space at an in-district location.</p> <p><b>For Private programs Only:</b> Private special education school programs must provide at least three letters of interest signed by public school Superintendents who are potential service purchasers, and any evidence of purchase of services from Massachusetts school districts as an unapproved placement.</p>	<p>special education programs within the geographical area of the proposed program.</p> <p><b>For Public programs Only:</b></p> <ul style="list-style-type: none"> <li>• A fully developed narrative statement describing the programmatic reasons that justify the establishment of the out-of-district program. The narrative statement must specifically cite the unique special education needs of students to be enrolled in the program and the reasons why these needs cannot be met in an in-district program.</li> </ul> <p><b>For Private programs Only:</b></p> <ul style="list-style-type: none"> <li>• At least three letters of interest signed by public school Superintendents who are potential purchasers, and any evidence of purchase of services from Massachusetts school districts as an unapproved placement.</li> </ul>
1.2 Program & Student Description, Program Capacity	<p>A narrative is provided that describes:</p> <ol style="list-style-type: none"> <li>1. Identified population of students to be served</li> <li>2. Ages of students;</li> <li>3. Educational characteristics;</li> </ol>	<ul style="list-style-type: none"> <li>• Written narrative addressing these requirements. Please address each item individually. If some services on the list are not proposed to be provided by the program, also provide a</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p><b>28.09(2)(a)(2);</b>  <b>28.09(2)(b)(2, 3, 7)</b></p>	<p>4. Behavioral characteristics and  5. Philosophy, goals and objectives.</p> <p>6. How each of the following educational services are implemented for the described student population of the program:</p> <ul style="list-style-type: none"> <li>a. The content requirements of the Massachusetts Curriculum Frameworks;</li> <li>b. Self-help, daily living skills;</li> <li>c. Social/emotional needs;</li> <li>d. Physical education; adapted physical education;</li> <li>e. Pre-vocational, vocational, and career education;</li> <li>f. English language support (for limited English proficient students) and</li> <li>g. Other: any other specialized educational service(s) provided by the program.</li> </ul> <p>7. How each of the following related services is or will be provided for the described student population of the program whose IEPs indicate such services:</p> <ul style="list-style-type: none"> <li>a. Transportation;</li> <li>b. Braille needs (blind/visually impaired)</li> <li>c. Assistive technology devices/services;</li> <li>d. Communication needs (all students including deaf/hard of hearing students);</li> <li>e. Physical therapy;</li> <li>f. Occupational therapy;</li> <li>g. Recreation services;</li> </ul>	<p>description of how such services would be provided if a student having that specific need was enrolled in the program.</p> <ul style="list-style-type: none"> <li>• Copy of narrative provided to the Department of Early Education and Care (EEC) for licensing study (if applicable)</li> <li>• Copy of contract and description of program/services provided to the Department of Children and Families (DCF) (if applicable)</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>h. Mobility/orientation training;</p> <p>i. Psychological services, counseling services, rehabilitation counseling services, social work services;</p> <p>j. Parent counseling and training;</p> <p>k. Health services, medical services and</p> <p>l. Other (e.g., music therapy, sensory integration therapy).</p> <p>8. How the kinds of supplementary aids and services available for students in the program is or will be provided:</p> <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 non-disabled students.” These may include aids and services that would typically be available in a less restrictive setting, and their availability would be helpful when the student can be placed in a less restrictive placement (e.g., adapted text, enlarged print, graph paper, peer tutor).</li> </ul> <p><b>NOTE: Residential programs</b> reflect the 24-hour nature of the program and indicate how residential services and educational services will be fully coordinated.</p>	



**AREA 2: ADMINISTRATION – LEGAL AND FINANCIAL DOCUMENTATION**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>2.1 Legal and Financial Status  28.09(2)(b)(4)</p>	<p><b>For Both Public and Private programs:</b> (See Statement of Assurances on this subject) Provide a description of the legal status including names of individuals and principal parties with ownership, oversight and key administrative responsibilities.</p> <p><b>For Private programs Only:</b></p> <ul style="list-style-type: none"> <li>• Provide the name of the Chief Financial Officer</li> <li>• Provide a copy of the proposed Program Budget(s) that clearly indicate all FTEs and programmatic expenditures (i.e. Program Consultants, staff training, supplies and materials) that comprise the proposed/current tuition rate(s)</li> <li>• Any expenses beyond staffing must be clearly indicated on the Program Budget, well defined, and thoroughly described in the program application.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide the name of the Chief Financial Officer</li> <li>• Provide the names of the Board of Directors</li> <li>• Complete documentation about the legal ownership, governance, and management</li> <li>• Copy of proposed Program Budget (<b>for Private programs only</b>)</li> </ul> <p><b>NOTE:</b> Maintain a current program budget and a list of the proposed tuition rates for all publicly and privately funded students attending the school, including students from outside Massachusetts. [808 CMR 1.00].</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>2.2 Approvals, Licenses, Certificates of Inspection</p> <p>18.04(1); 28.09(2)(b)(5); 28.09(5) (b); 28.09(6) (b, c)</p>	<p>The program has current licenses, approvals, and certificates of inspection by state and local agencies.</p> <ol style="list-style-type: none"> <li>1. Safety Inspection. The program shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access;</li> <li>2. Fire Inspection. The program shall obtain a written report of an annual fire inspection from the local fire department;</li> <li>3. Lead paint inspection (if facility was built prior to 1978). All buildings, residential or otherwise, utilized by children younger than six or with a mental age younger than six shall be free of lead paint;</li> <li>4. Local Board of Health permit if providing food services;</li> <li>5. Local school committee approval from each school district within which the school is located. (See M.G.L. c. 76, § 1).</li> <li>6. 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 is necessary);</li> <li>7. Statement regarding the non-existence of PCB's, or, if PCB's are present, then a containment plan;</li> <li>8. Other inspections that may be required by local or state authorities (please specify); and</li> <li>9. If applicable, a statement as to whether previous application was made for the Department's approval, and the action that was taken on it.</li> </ol>	<ul style="list-style-type: none"> <li>• Provide copies of current licenses, approvals, and certificates of inspection</li> </ul>
<p>2.3 EEC Licensure</p>	<p>The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00). Approval</p>	<ul style="list-style-type: none"> <li>• Provide copy of EEC license</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
102 CMR 3.00 <b>(Residential programs only)</b>	from EEC to operate a group care facility or a special education day care center (if applicable);	

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

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
3.1 Policies & Procedures Manual  <b>28.09(11)(b)</b>	<p>All approved public and private special education school programs shall maintain onsite a policies and procedures manual and shall provide written notice to parents of enrolled students that copies of such policies and procedures are available upon request.</p> <p>The program’s manual must contain a Table of Contents and a policy for all subject areas. The policies and procedures must include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Reporting Suspected Child Abuse/Neglect to DCF and to the Disabled Persons Protection Commission (Criterion 3.1(c));</li> <li>2. Evacuation and Emergency Procedures (3.1(d));</li> <li>3. Notification of Substantial Changes (Form 1) (Criterion 4.4);</li> <li>4. Immediate Notification (Form2) (Criterion 4.5);</li> <li>5. Student Admissions (Criterion 5.1);</li> <li>6. State and District-Wide Assessments (Criterion 7.3);</li> </ol>	<ul style="list-style-type: none"> <li>• Policies and procedures manual containing a Table of Contents and a policy for all subject areas</li> <li>• Copy of written notice sent annually to parents</li> </ul> <p><b>NOTE:</b> The policies and procedures manual must be kept onsite and be visible in the reception area or other commonly visited area in the program. The policies and procedures manual must be plainly marked.</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>7. Granting of High School Diplomas or Certificates of Attendance (Criterion 7.4);</p> <p>8. Program Modifications and Support Services for Limited English Proficient (LEP) students (Criterion 8.4);</p> <p>9. IEP Progress Reports (Criterion 8.8);</p> <p>10. Less Restrictive Placement (Criterion 8.10);</p> <p>11. Transition Planning (Criterion 8.11);</p> <p>12. Behavior Management (Criterion 9.1);</p> <p>13. Student Separation Resulting From Behavior Management (Criterion 9.1(a));</p> <p>14. Runaway Students (Criterion 9.3);</p> <p>15. Physical Restraint (Criterion 9.4);</p> <p>16. 3-5 Day Suspensions (Criterion 9.5);</p> <p>17. 10+ Day Suspensions (Criterion 9.6);</p> <p>18. Terminations (Criterion 9.7);</p> <p>19. Supervision of Students (Criterion 11.11);</p> <p>20. New Staff Orientation and Annual In-Service Training (Criterion 12.1 and 12.2);</p> <p>21. Visiting, Mail and Telephones (<b>Residential programs only</b>) (Criterion 14.4);</p> <p>22. Parent Involvement (Criterion 15.1);</p> <p>23. Change of Student's Legal Status (Criterion 15.4);</p> <p>24. Parent Consent and Notification(Criterion 15.5);</p> <p>25. Registering Complaints and Grievances – parents, students and employees (Criterion 15.8);</p> <p>26. Student Transportation and Transportation Safety (<b>Only where applicable</b>) (Criterion 17.1); and</p>	

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	27. 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).	
3.1(c) Child Abuse Reporting  18.05(9)(i); M.G.L. c. 119, §§ 51A and B; M.G.L. c. 19C	<p>The program shall develop and implement written procedures and staff training for the reporting of suspected child/student abuse or neglect to the Department of Children and Families (M.G.L. c. 119, §§ 51A and B) and, for students over the age of 18, the Disabled Persons Protection Commission (M.G.L. c. 19C).</p> <ol style="list-style-type: none"> <li>1. 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, DDS, DMH) when a report is filed against the program or its employee(s) or student(s).</li> <li>2. Policy must clarify that staff may report directly to DCF.</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written procedures for reporting suspected child/student abuse or neglect to the Department of Children and Families from policies and procedures manual and, if applicable, for reporting suspected student abuse or neglect for students over the age of 18 to the Disabled Persons Protection Commission</li> </ul>
3.1(d) Evacuation and Emergency Procedures 18.05(10)	<p>The program shall develop and implement a policy and procedure on <b>EVACUATIONS</b> that includes:</p> <ol style="list-style-type: none"> <li>1. Two evacuation drills conducted for each shift at each location annually;</li> <li>2. Helping all students to understand the nature of the drills;</li> <li>3. Special provisions for the evacuation of any mobility-impaired student in the facility; and</li> <li>4. A written log of each evacuation drill that includes date, time elapsed, participants (students and staff), witnesses, etc.</li> </ol> <p>The program shall develop and implement <b>EMERGENCY DRILLS</b></p>	<ul style="list-style-type: none"> <li>• Copy of written policy and procedures for evacuations and emergencies from policies and procedures manual.</li> </ul>

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
	<p>(ex. lock down of building, flood preparedness, use of firefighting equipment, gas leak, etc) that include:</p> <ol style="list-style-type: none"> <li>1. The assignment of personnel to specific tasks and responsibilities in emergency situations;</li> <li>2. Instructions for the use of alarm systems and signals;</li> <li>3. Systems for notification of appropriate persons; and</li> <li>4. Specification of evacuation routes and procedures.</li> </ol>	

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
3.2 Health Care Manual  18.05 (9)	<p>The program maintains a written and current Health Care Manual containing a Table of Contents and all required health-related policies and procedures. The program’s physician or a registered nurse shall aid the program in the development of the Health Care Manual. The program’s licensed physician or a registered nurse shall approve the Health Care Manual.</p> <p>The manual is readily available to all staff and includes the following:</p> <ol style="list-style-type: none"> <li>1. Food and Nutrition (Criterion 14.2);</li> <li>2. Toileting Procedures (for schools that enroll students who require toilet training or diapering only)(Criterion 14.3);</li> <li>3. Physician Consultant (Criterion 16.2);</li> <li>4. Provision of Medical, Nursing, and Infirmary Care (Criterion 16.3)</li> <li>5. Emergency First Aid and Medical Treatment (Criterion 16.4);</li> <li>6. Administration of Medications (Criterion 16.5);</li> <li>7. Administration of Anti-psychotic Medications (Criterion 16.6);</li> <li>8. Preventive Health Care (Criterion 16.7);</li> <li>9. Receipt of Medical Treatment – Religious Beliefs (Criterion 16.8);</li> <li>10. Protection from Exposure Based on Allergy to Food, Chemical or Other Material (Criterion 16.11); and,</li> <li>11. No Smoking Policy pursuant to G.L. c. 71, § 37H (Criterion 16.12).</li> </ol> <p><b>NOTE:</b> Approved Day School programs must follow the Department of Public Health regulations.</p>	<ul style="list-style-type: none"> <li>• Health Care Manual containing a table of contents that is clearly labeled and contains all requirements under this criterion</li> </ul> <p>The health care manual contains a letter/memorandum (dated within the past 12 months) documenting the approval of its contents by a licensed physician or registered nurse</p> <p><b>NOTE:</b> The health care manual must be kept accessible to all staff in administrative offices and the school health center, infirmary or nurse’s office.</p>

**AREA 4: DISCLOSURE OF INFORMATION**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>4.2 Public Information and Postings</p> <p>28.09(6)(a, b, c, d, e); 28.09(2)(b)(4)</p>	<p>Each program maintains onsite and makes available for public review the following:</p> <ol style="list-style-type: none"> <li>1. Program information including a statement of purpose;</li> <li>2. General description of the educational program;</li> <li>3. Organizational chart;</li> <li>4. Tuition rates;</li> <li>5. Documentation of the Department of Early Education and Care licensing status (<b>for Residential programs only</b>);</li> <li>6. Documents granting authority to operate the program and fully identify ownership, such as the names of officers, boards, charters, partnership agreements, articles of organization, and by-laws; and</li> <li>7. All required policies and procedures.</li> </ol> <p>The following information must be publicly posted:</p> <ol style="list-style-type: none"> <li>1. First aid procedures;</li> <li>2. Emergency procedures;</li> <li>3. Emergency telephone numbers;</li> <li>4. Current Department approval certificate once issued; and</li> <li>5. Current EEC License, if applicable.</li> </ol>	<ul style="list-style-type: none"> <li>• Description of where the information is kept that relates to this criterion</li> <li>• Onsite verification of public information and postings</li> </ul>
<p>4.4 Advance Notice of Proposed Program/Facility</p>	<p>The program 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><b>For Both Public and Private programs:</b></p> <ul style="list-style-type: none"> <li>• Copy of the program’s written procedures for notifying the Department of substantial changes.</li> </ul>



CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>Change</p> <p>28.09 (5)(c)</p>	<p><b>Private programs Only:</b> 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> <p>Prior to any substantial change to the program or physical plant, the program provides written notification of intent to change to the Department. Please note the specified notification timelines and prior approval requirements that are listed on the Form 1 and in the related guidance. 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.</p> <p><b>Public programs Only:</b> See Public Statement of Assurances #15. Pursuant to 603 CMR 28.09(5), the program will notify the Department of any substantial change that impacts:  the ability of the program to deliver services to students by appropriately licensed staff;  the enrollment of students, including the program’s current Student: Licensed Educator ratio and/or Student: Licensed Educator : Aide ratio;  or the overall operation of the program, such as a program closure or a building facility issue effecting the health or safety of students.</p>	<p>within the program, including the contact person responsible for providing such notification, from policies and procedures manual</p> <p><b>For Private programs Only:</b>  Please note the specified notification timelines and prior approval requirements that are listed on the Form 1 and in the related guidance.</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>The program will also notify the Department of any other substantial change that may affect the program’s approval status as issued by the Department. Additionally, in the event of a serious incident affecting the well being of any student, the program will immediately notify the Department (by telephone and in writing) pursuant to all applicable state requirements, and in applicable situations, will submit promptly the Department’s Physical Restraint Report [603 CMR 46.06(5)].</p>	
<p>4.5 Immediate Notification  18.03(10); 18.05(7); <b>28.09(12) (a, b)</b></p>	<p>The program 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.</p> <p><b><u>For ALL students (Massachusetts and Out-of-State students)</u></b> 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> <ol style="list-style-type: none"> <li>1. Death of a student;</li> <li>2. 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>3. Any action taken by a federal, state or local agency that might jeopardize the school’s approval with the Department; and</li> <li>4. Any legal proceeding brought against the program 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> </ol>	<ul style="list-style-type: none"> <li>• Copy of the program’s written procedures for notifying all appropriate parties of serious incidents, including the contact person responsible for providing such notification from policies and procedures manual.</li> </ul> <p><b><u>NOTE:</u></b> All incident reports must be maintained in student records.</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p><b><u>For Massachusetts Students Only:</u></b></p> <ol style="list-style-type: none"> <li>1. 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>2. Massachusetts student injury resulting from a motor vehicle accident during transport by school staff (including contracted staff) which requires medical attention;</li> <li>3. Massachusetts student serious injury requiring emergency medical intervention resulting from a restraint</li> <li>4. Massachusetts student run away;</li> <li>5. Emergency termination of a Massachusetts student under circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others pursuant to 18.05(7)(d); and</li> <li>6. Any other incident of serious nature that occurs to a Massachusetts student.</li> </ol>	

**AREA 5: ADMINISTRATION AND ADMISSION PROCEDURES**

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
5.1 Student Admissions	<p>The program develops and implements a written admissions policy that includes the following:</p> <ol style="list-style-type: none"> <li>1. A statement that the program maintains a copy of its policies</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written admissions policy from policies and procedures manual</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
28.09(11); 18.05(1)(b)(1-17); 18.05(2); 18.05(3)(c)	<p>and procedures manual onsite;</p> <p>2. A statement that the program provides written notice to the parents of the enrolled students that copies of its policies and procedures manual are available upon request;</p> <p>3. Admission criteria;</p> <p>4. Admissions procedures;</p> <p>5. Information required from referring school districts as part of the application process;</p> <p>6. Procedures followed to determine whether the student will be admitted;</p> <p>7. <b>(For Residential programs Only)</b> Procedures to prepare staff and students in the living unit for new student's arrival;</p> <p>8. A statement that prior to admission documentation is required from a licensed physician of a complete physical examination of the student not more than twelve (12) months before admission;</p> <p>9. A statement that in the event of emergency placements, the program shall make provisions for a complete examination of the student within 30 days of admission; and</p> <p>10. A statement that prior to admission, and upon request, the Director of the program or designee will be available to the parents, student and the public school for an interview. The interview shall include an explanation of the program'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</p>	

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	facilities, meet the staff members and to meet enrolled students.	
5.1(a) Admissions Packet  18.05(1)(b)(1-17); M.G.L. c. 71, § 37H, as amended by Chapter 92 of the Acts of 2010; M.G.L. c. 71, § 37O	<p>Prior to admission, the program 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 program'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 program 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. <b>(For Residential programs Only)</b> Visiting hours and other</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of admissions application</li> <li>• Copy of admissions packet given to parents and school districts prior to student admission to the program</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>procedures related to communication with students and the facility as described in 18.03(9)(a);</p> <p>15. Name and telephone number of a staff person whom the parents may contact on an ongoing basis;</p> <p>16. A description of a procedure which the parents or student may use to register complaints regarding the student's education and care at the facility;</p> <p>17. A copy of the approved school calendar; and</p> <p>18. An age-appropriate summary of their Bullying Prevention and Intervention Plan.</p>	
<p>5.2(a) Contracts</p> <p>28.06(3)(f)</p>	<p>There shall be a signed written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3)(f).</p> <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> </ol>	<ul style="list-style-type: none"> <li>● Onsite verification of contracts</li> </ul>

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
	<ol style="list-style-type: none"> <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>	

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

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>6.1 Daily Instructional Hours  603 CMR 27.04</p>	<p>The 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> <p>1. Elementary – A total of:</p> <p>10 month program – 900 hours 11 month program – 990 hours 12 month program – 1080 hours</p> <p>2. Secondary – A total of:</p> <p>10 month program – 990 hours 11 month program – 1089 hours 12 month program – 1188 hours</p> <p>The 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 program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.</p>	<ul style="list-style-type: none"> <li>• Block schedule that includes: <ul style="list-style-type: none"> <li>○ Beginning and ending time for each instructional block;</li> <li>○ Subject area for each block;</li> <li>○ All non-instructional time (e.g. lunch, recess, transitions between classes, etc.); and</li> <li>○ If non-instructional time activities are counted as instructional hours, they must be specified in student’s IEPs and sample IEP goals and objectives must be submitted</li> </ul> </li>   <li>• Calculation of the total number of instructional hours per year is determined by completing the attached Student Learning Time Worksheet.</li> </ul>



CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p><b>NOTE:</b> The 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 program's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students); independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit); technology-assisted learning; presentations by persons other than teachers; school-to-work programs; and statewide student performance assessments.</p>	
<p>6.1(a) Physical Education Requirements  M.G.L. c. 71, § 3</p>	<p>The program shall have a written plan to teach physical education as a required subject at all grade levels for all students for the purpose of promoting the physical well being of students.</p> <p><b>NOTE:</b> Physical education classes are to be considered part of the student's structured learning time.</p>	<ul style="list-style-type: none"> <li>• Copy of program's written plan that describes the implementation of the physical education requirements and program offered to students</li> <li>• Submission of written schedules that clearly indicate when and how often physical education classes are provided to students</li> </ul>
<p>6.2 School-to-Work  603 CMR 27.02; 27.04</p>	<p>Where the 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.</p>	<ul style="list-style-type: none"> <li>• Description of independent study and/or school-to-work programs</li> <li>• Copy of written guidelines</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
6.4 School Days Per Year  603 CMR 27.05(2); 28.09(9)(a)	<p>All programs are run for the following minimum number of days (exclusive of weekends, holidays, vacations):</p> <ul style="list-style-type: none"> <li>• 10 month program - 180 days</li> <li>• 11 month program – 198 days</li> <li>• 12 month program – 216 days</li> </ul> <p>Before the beginning of each school year, the program sets a school year schedule for each program. This schedule must include at least five additional school days to account for unforeseen circumstances (i.e., snowstorms).</p> <p><b>NOTE:</b> All programs must comply with the number of school days per their application for approval plus five additional days for unforeseen circumstances.</p>	<ul style="list-style-type: none"> <li>• Copy of school calendar for school year clearly indicating number of scheduled days               <ul style="list-style-type: none"> <li>○ The last day of school must be indicated</li> <li>○ Five additional school days to account for unforeseen circumstances must be indicated</li> <li>○ The last day of school must be indicated for high school seniors</li> </ul> </li> </ul>

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

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
7.1 Curriculum Frameworks 28.05(4)(a, b); 28.09(9)(b)	<p>All programs must take steps to provide <u>all</u> students with essential learning opportunities that prepare the students to reach the state graduation standards.</p>	<ul style="list-style-type: none"> <li>• Description of how the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction.</li> </ul>

<p>7.3 State/District Wide Assessments</p> <p>28.09(9)(d)</p>	<p>All programs shall develop and implement written procedures outlining how they will ensure that <u>all</u> enrolled Massachusetts students participate in state and/or district wide assessments in accordance with the assessment participation information provided on the student’s IEP.</p> <p>Such procedures shall include:</p> <ol style="list-style-type: none"> <li>1. How the approved program will provide for MCAS testing accommodations and/or administration of alternate assessments as determined by each student’s Team; and</li> <li>2. A narrative that describes the specific steps the program will take to ensure MCAS Alternate Assessment (MCAS-Alt) option is discussed and considered in all IEP Team meetings for any Massachusetts student with a significant disability and/or who has previously failed the standard MCAS test.</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written procedure for ensuring participation in state/district wide assessments from policies and procedures manual.</li> <li>• A narrative that describes the specific steps the program will take to ensure MCAS Alternate Assessment (MCAS-Alt) option is discussed and considered in all IEP Team meetings for any student with a significant disability and/or who has previously failed the standard MCAS.</li> <li>• Lists of initials of Massachusetts students participating in MCAS testing, either with or without accommodations</li> <li>• If applicable, list of initials of Massachusetts students participating in MCAS-Alt <u>in the most recent academic year</u> for which MCAS was administered</li> <li>• Names(s) of staff responsible for assuring that all Massachusetts students participate in MCAS and that they are being assessed appropriately</li> </ul>
<p>7.4 High School Diplomas and Certificates of Attendance</p>	<p>The 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>	<ul style="list-style-type: none"> <li>• Copy of written policy and procedures describing the awarding of diplomas and/ or certificates to Massachusetts students from policies and procedures manual</li> </ul>

M.G.L. c. 69, § 1D; Admin. Advisory SPED2002-4 revised: Special Education Students in Out-of- District Placements- Participation in MCAS Testing and HS Graduation Standards	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.	
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**AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS - INDIVIDUALIZED EDUCATION PROGRAMS**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
8.4 Program Modifications and Support Services for Limited English Proficient Students  M.G.L. c. 71A; Title VI	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). <ol style="list-style-type: none"> <li>1. The program must acknowledge it is responsible to serve LEP students.</li> <li>2. The program must affirm its willingness to accept students with LEP into its program.</li> <li>3. 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>4. Unless the student’s IEP specifies otherwise, the student must</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written plan addressing how to effectively serve limited English proficient (LEP) students from policies and procedures manual</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>receive:</p> <ul style="list-style-type: none"> <li>a. sheltered content instruction from a trained and qualified teacher; and</li> <li>b. additional instruction in English as a Second Language by a certified ESL teacher.</li> </ul> <p><b>For Public programs that are run by the public school district only:</b> It is permissible to utilize the same policy/approach that the public school district uses for its other public school(s) for LEP students.</p>	
<p>8.5 Current IEP &amp; Student Roster  28.09(5)(a)</p>	<p>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).</p>	<ul style="list-style-type: none"> <li>• Complete attached roster of publicly funded <u>Massachusetts</u> students currently enrolled in the program containing the following information: <ul style="list-style-type: none"> <li>○ Each student's initials (<u>not name</u>);</li> <li>○ The school district responsible for preparing the student's IEP;</li> <li>○ Name of the school district contact person</li> <li>○ The agency(ies) supporting any part of the student's tuition;</li> <li>○ Portion of tuition supported by such agency(ies);</li> <li>○ Implementation date of the most recently issued and consented to IEP;</li> <li>○ Expiration date of the most recently issued and consented to IEP;</li> </ul> </li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
		<ul style="list-style-type: none"> <li>○ Date of parental signature on the most recently issued and consented to IEP;</li> <li>○ For each IEP expiration date that has passed, list efforts made by the program to obtain a current IEP. Include specifics, such as who from the program provided the follow up, the date a call was made or a letter was issued, the name of the person communicated with from the sending school district, etc.</li> </ul>
<p>8.8 IEP – Progress Reports</p> <p>28.07(3); 34 CFR 300.320(a)(3)(i, ii)</p>	<p>Progress Reports and Content</p> <ol style="list-style-type: none"> <li>1. 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>2. Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP; and</li> <li>3. <u>The program shall send copies of progress reports to the parents and public school.</u></li> </ol> <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</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of IEP progress report form used by the program addressing these requirements.</li> <li>• Description of how the program documents that parents, school districts and/or agencies receive copies of progress reports from policies and procedures manual.</li> </ul> <p><b>NOTE:</b> Copies of all progress reports shall be maintained in student records, including documentation of persons or agencies receiving such reports.</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	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.	
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.	<ul style="list-style-type: none"> <li>• Copy of written plan describing opportunities for LRE from policy and procedures manual</li> </ul>
8.11 IEP - Transition Planning  34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)	<p>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 14 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.</p> <p>Students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed.</p>	<ul style="list-style-type: none"> <li>• Copy of written transition plan from policy and procedures manual</li> </ul> <p><b>NOTE:</b> Department of Elementary and Secondary Education Transition Planning Form must be maintained in the student record.</p>

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

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>9.1 Policies and Procedure for Behavior Management</p> <p>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.</p>	<p>The program develops and implements a comprehensive set of policies and procedures dealing with discipline and behavior management that meet all federal and state special education requirements.</p> <p>The policy must include a description of the behavior management procedures used in the facility including the following if applicable:</p> <ol style="list-style-type: none"> <li>1. Level/point systems of privileges, including procedures for the student’s progress in the program;</li> <li>2. The type and range of restrictions a staff member can impose for unacceptable behavior, including suspension and termination;</li> <li>3. 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>4. Any denial or restrictions of on-grounds program services.</li> </ol> <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>	<ul style="list-style-type: none"> <li>• Copy of written behavior management policies and procedures from policies and procedures manual</li> </ul> <p><b>NOTE:</b> Each Individual Student Behavior Plan must be maintained in the student record.</p>



CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>9.1(a) Student Separation Resulting from Behavior Management</p> <p>18.05(5)(i); 18.05(6, 7); 46.02(5)(b)</p>	<p>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:</p> <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. <ol style="list-style-type: none"> <li>a. Time out rooms shall not be locked.</li> <li>b. Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written policies and procedures regarding behavior management specific to student separation from policies and procedures manual</li> </ul> <p><b>NOTE:</b> Documentation related to criterion 9.1(a)(5) must be maintained in student records.</p>
<p>9.2 Discipline Code <b>(Public Day programs Only)</b></p> <p>M.G.L. c. 71, §37H as amended by Chapter 92 of the Acts of</p>	<p>The district develops and implements a code of conduct for students and teachers.</p> <p>The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit 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. Said policies shall</p>	<ul style="list-style-type: none"> <li>• Copy of district’s discipline code of conduct</li> <li>• Copy of student handbook (if required)</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
2010; M.G.L. c. 71, § 37O	<p>further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.</p> <p>For public out-of-district programs in a building containing grades nine through twelve, inclusive, a student handbook setting forth rules pertaining to the conduct of students must be distributed to each student (as described in M.G.L. c. 71, § 37H). The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.</p>	
9.3 Runaway Students 18.03(10)	The program shall develop and implement a written policy, including a definition of runaways appropriate for the school population and location, as well as procedures for handling students who run away and immediate notification to the Department.	<ul style="list-style-type: none"> <li>• Copy of written policy and procedure addressing students who run away from policies and procedures manual</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	This policy must be approved by the Department.	
<p>9.4 Physical Restraint <b>(Day programs only)</b></p> <p>18.05(5); 603 CMR 46.00</p>	<p>The program shall have a written policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.</p> <p>The policy and procedures must include the following:</p> <ol style="list-style-type: none"> <li>1. Parent/guardian consent to the implementation of restraint pursuant to the program’s policy must be obtained annually.</li> <li>2. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian.</li> <li>3. The use of seclusion restraint is prohibited.</li> <li>4. Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;</li> <li>5. A description and explanation of the program's method of physical restraint,</li> <li>6. A description of the program's training requirements for all staff and intensive training for staff who serve as restraint resources for the program,</li> <li>7. Reporting requirements and follow-up procedures for reports to</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written physical restraint policies and procedures from policies and procedures manual</li> <li>• Copy of parent/guardian consent form</li> <li>• Onsite review of record of restraints for the last calendar year</li> <li>• Names of staff who serve as restraint resources within the program and evidence of their intensive training</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>parents/guardians and to the Department,</p> <p>8. A procedure for receiving and investigating complaints regarding restraint practices.</p> <p>9. Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training according to the requirements of 603 CMR 46.03(3) and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present.</p> <p>10. The director or his/her designee shall maintain an on-going record of all instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request.</p> <p><b>NOTE:</b> A residential educational program must comply with the EEC restraint requirements contained in 102 CMR 3.00 for all students enrolled in such program.</p> <p><b>NOTE:</b> A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p>	
<p>9.5 3-5 Day Suspensions 18.05(6)</p>	<p>The program shall develop and implement a written policy on suspensions and provide a copy to the parents and to the school district and/or human service agency that placed the student. Such policy shall contain the following information:</p> <p>1. Whenever a student is suspended, the program shall immediately notify the parents and the public school or human service agency</p>	<ul style="list-style-type: none"> <li>• Copy of written suspension policies and procedures from policies and procedures manual</li> <li>• Onsite review of tracking mechanism for suspensions</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>responsible for the placement. Within 24 hours, the program shall send a written statement explaining the reasons for suspension to the parents and public school district.</p> <p>2. No student may be suspended and sent home unless a responsible adult is available to receive the student.</p> <p>3. Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the program, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program.</p> <p>4. Procedures must be in place to record and track the number and duration of suspensions, including suspensions from any part of the student's IEP program (including transportation).</p> <p><b>NOTE:</b> Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.</p>	<ul style="list-style-type: none"> <li>• Documentation regarding tracking the number and duration of suspensions, as well as notification of all appropriate parties, is maintained in student records or a copy of the student suspension log</li> <li>• Documentation of notification to parents, school districts and other appropriate parties are maintained in student records</li> </ul> <p><b>NOTE:</b> Documentation regarding tracking the number and duration of suspensions, as well as notification of all appropriate parties, must be maintained in student records.</p>
<p>9.6 10+ Day Suspensions  34 CFR 300.530 – 537 18.05(7)</p>	<p>The program shall develop and implement the following procedures when suspensions constitute a change of placement. A suspension is a change of placement when: 1) it exceeds 10 consecutive school days or 2) it is one of a series of suspensions that constitute a pattern under 34 CFR 300.536.</p>	<ul style="list-style-type: none"> <li>• Copy of written suspension policies and procedures from policies and procedures manual</li> <li>• Onsite review of tracking mechanism of</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>1. A request is made of the student's responsible school district to convene an IEP Team meeting prior to a suspension that constitutes a change in placement of a student with disabilities.</p> <p>2. The program participates in the TEAM meeting:</p> <ul style="list-style-type: none"> <li>a. To develop or review a functional behavioral assessment of the student's behavior and to develop or modify a behavior intervention plan;</li> <li>b. To identify appropriate alternative educational setting(s); and</li> <li>c. To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior).</li> </ul> <p>3. If the TEAM determines that the behavior is <u>NOT</u> a manifestation of the disability, the program may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student that may be in some other setting.</p> <p>4. If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.</p> <p><b>NOTE:</b> Sending a student home "early" or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher is considered a suspension if the student's IEP does not allow for the modification of learning time requirements of the Board of Elementary</p>	<p>suspensions.</p>

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
	and Secondary Education.	

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>9.7 Terminations 18.05(7); 28.09(12)(b)</p>	<p>The program develops and implements a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations.</p> <p>The policy must include the following:</p> <p>a) Planned Terminations: The 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 program 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 program 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 program. With the mutual agreement of the program and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.</p>	<ul style="list-style-type: none"> <li>• Copy of written termination policy that clearly delineates between planned and emergency terminations from policies and procedures manual</li> <li>• Sample notices to responsible school districts regarding student suspensions</li> </ul> <p><b>NOTE:</b> Documentation regarding tracking the number and duration of suspensions, as well as notification of all appropriate parties, must be maintained in student records.</p>



**AREA 10: EDUCATIONAL STAFFING REQUIREMENTS - RATIOS**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>10.1 Staffing for Instructional Groupings</p> <p>28.06(6)(d); 28.09(7)(e)</p>	<p>The program shall have instructional groupings that do not exceed 1) the proposed Student: Licensed Educator Ratio and 2) the proposed 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>	<ul style="list-style-type: none"> <li>• Block schedules that clearly display the numbers and initials of students, and the numbers and initials of certified educators and aides in <u>all</u> classrooms for <u>all</u> periods throughout the school day. Indicate on the schedule if staff are licensed educators or aides</li> </ul>
<p>10.2 Age Range</p> <p>28.06(6)(f, g)</p>	<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 age span, an Alternative Compliance Waiver (private) or Age Span Waiver (public) (<a href="http://www.doe.mass.edu/pqa/sa_nr">http://www.doe.mass.edu/pqa/sa_nr</a>) must be requested and approved by the Department.</p>	<ul style="list-style-type: none"> <li>• Block schedules for every classroom and every period indicating the initials of students with corresponding dates of birth</li> </ul>
<p>10.4 Student: Direct Care Worker Ratios</p>	<p>The program must demonstrate that it is in compliance with the proposed student: direct care worker ratio.</p>	<ul style="list-style-type: none"> <li>• Statement of the student: direct care worker ratio               <ul style="list-style-type: none"> <li>○ Ratios must specify the types of</li> </ul> </li> </ul>

<p><b>(Residential Schools Programs only)</b></p> <p>18.03(2)</p>		<p>staff included within the ratio (i.e., Direct Care Supervisors), as well as <u>the shift (e.g., sleeping hours, non-school day waking hours, or school day waking hours) for which the ratio is calculated</u></p>
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**AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES**

<p align="center"><b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b></p>	<p align="center"><b>REQUIREMENTS</b></p>	<p align="center"><b>DOCUMENTATION REQUIREMENTS</b></p>
<p>11.1 Staff Policies and Procedures Manual</p> <p>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; 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011</p>	<p>The program shall develop and implement a written staff policies and procedures manual that describes:</p> <ol style="list-style-type: none"> <li>1. Criteria and procedures for hiring. This should include the program’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 residential program licensed by EEC does not need to conduct independent CORI checks where those checks have been done through EEC];</li> <li>2. Procedures for evaluation of staff;</li> <li>3. Procedures for discipline of staff (including suspensions and dismissals);</li> <li>4. Procedures for handling staff complaints (See Criterion 15.8);</li> <li>5. A plan for using volunteer and/or intern services; and,</li> <li>6. Statement of equal employment/educational opportunities in regard to race, color, sex, gender identity, religion, national origin,</li> </ol>	<ul style="list-style-type: none"> <li>• Staff policy and procedures manual</li> </ul> <p><b>NOTE:</b> Staff performance evaluations shall be scheduled and written copies maintained in the staff records for staff as outlined in the program’s staff policy and procedures manual.</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	sexual orientation, disability or homelessness.	
11.2 Administrative Responsibility  18.05(11)(a, b)	<p>The program shall designate one person who will have administrative responsibility over the operation of the program. Programs 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 program while the program is in operation. All staff on duty shall know who is responsible for administration of the program at any given time.</p>	<ul style="list-style-type: none"> <li>• Name of designated administrator and assistant administrators, if applicable</li> </ul>
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 program 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> <ol style="list-style-type: none"> <li>1. License as a special educator;</li> <li>2. A minimum of a master's degree in special education or a related field; and</li> <li>3. A minimum of one year of administrative experience.</li> </ol> <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>	<ul style="list-style-type: none"> <li>• Name of educational administrator(s) <b>and, either</b></li> <li>• Copy of licensure as a special education administrator <b>or all of the following:</b></li> <li>• Copy of ESE license as a special educator or copy of ELAR activity sheet; and,</li> <li>• Evidence of Master’s Degree in special education or a related field; and Evidence of a minimum of one year of administrative experience</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>11.4 Teachers (Special Education Teachers and General Education Teachers)</p> <p>18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321</p>	<p>The program must ensure that all teaching staff have teaching licenses appropriate to meet the needs of the population being served pursuant to the requirements of 603 CMR 7.00 and, additionally, must adhere to the following requirements:</p> <ol style="list-style-type: none"> <li>1. 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>2. 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>3. A program’s 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> </ol> <p>At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the program; 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 proposed program budget.</p>	<ul style="list-style-type: none"> <li>• Provide a statement regarding the most recent ESE approved number of special education teachers and general education teachers</li> <li>• Current teaching staff roster that includes all professional teaching staff in the program</li> <li>• Use attached teacher roster clearly displaying the following information: <ul style="list-style-type: none"> <li>○ The name, title and role of each teacher in the program;</li> <li>○ Grade level being taught;</li> <li>○ Subject(s) being taught;</li> <li>○ Massachusetts teaching license title, type, grade level, number and expiration date;</li> <li>○ In instances where teachers do not hold Massachusetts licensure for the area in which they are employed, a copy of a current certification waiver is provided or ELAR activity sheet;</li> <li>○ In instances when general education teaching staff are providing special education services, the name and license of the special educator</li> </ul> </li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
		providing supervision; and <ul style="list-style-type: none"> <li>○ Most recent date of Professional Development Plan for teachers with professional level licensure</li> </ul>
11.5 Related Services Staff  28.09(7)(d)	<p>All staff providing or supervising the provision of related services (including consultants) shall be appropriately certified, licensed or registered in their professional areas.</p> <p>Any staff members providing educational interpreting for students who are deaf or hard of must be registered through the Massachusetts Commission for the Deaf and Hard of Hearing. This includes staff members who are identified as educational interpreters or oral transliterators or someone who fulfills that role but is not identified as an interpreter.</p>	<ul style="list-style-type: none"> <li>● Use attached related services staff roster for <u>all</u> related services providers that includes each provider’s               <ul style="list-style-type: none"> <li>○ UFR Title Number</li> <li>○ Name</li> <li>○ Position title within the program</li> <li>○ Massachusetts license, registration or certification type, number and expiration date</li> </ul> </li> <li>● Copy of ESE License and/or Massachusetts, State Board of Registration</li> </ul>
11.6 Master Staff Roster  28.09(7)	<p><b>Private and Public programs</b>            The program maintains a master list of ALL staff for every position within the program. This list must include job titles.</p> <p>This list may include, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Administrators</li> <li>2. Special education teachers</li> <li>3. General education teachers</li> </ol>	<p><b>Private and Public programs</b></p> <ul style="list-style-type: none"> <li>● Completed Master Staff Roster  <b>Private programs – pages 92-93.</b>  <b>Public programs - page 94.</b> <ul style="list-style-type: none"> <li>○ All positions must be included and indicated as vacant when applicable, with a description of how services are</li> </ul> </li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>4. Related service providers  5. Registered Nurses  6. Direct care workers  7. Direct care supervisors  8. Clerical and maintenance staff  9. Psychologists  10. Social workers  11. Food service staff  12. Consultants</p> <p><b>Private Programs only</b>  The staff positions shall correspond to the proposed program budget, and the list must include the corresponding UFR title numbers and full-time equivalents (FTE's). If a position is currently vacant, please indicate that on the form. In the future, any changes/discrepancies from the Department-approved Program Budget (through Initial Application, Extraordinary Relief, Special Circumstances, or Program Reconstruction) must be described in a detailed, written narrative.</p> <p><b>NOTE: Document #7 must be used to document the Private program Master Staff Roster. Document #8 must be used to document the Public program Master Staff Roster.</b></p>	<p>being provided to students in the interim if the position is vacant</p>
<p>11.7  Job Descriptions</p> <p>18.05(11)(d)</p>	<p><b>The program has written job descriptions for all staff positions that shall be made available to staff as well as parents, if requested.</b></p> <p>The responsibilities contained in the job description of the Educational Administrator shall include supervising the provision of special</p>	<ul style="list-style-type: none"> <li>• Written job descriptions with actual titles (and for Private Programs the UFR title numbers) for all positions within the program</li> </ul>

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
	education services in the program and ensuring that the services specified in each student's IEP are delivered.	<ul style="list-style-type: none"> <li>• Job descriptions should clearly explain the roles and responsibilities of the position, the licenses and qualifications necessary to fulfill the requirements of the position, and the person to whom the individual in the position reports</li> </ul>
11.9 Organizational Structure  28.09(7)	The program shall demonstrate that its organizational structure provides for the effective and efficient operation of the program, supervision of program staff, and supervision of students.	<ul style="list-style-type: none"> <li>• Submission of organizational chart that illustrates and describes lines of supervision for staff and students <ul style="list-style-type: none"> <li>○ Organizational charts must include the program position titles for all staff</li> </ul> </li> </ul>
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 program.  Regularly scheduled conferences must occur between direct care workers and supervisors; and between teachers, direct care workers and other educational personnel.	<ul style="list-style-type: none"> <li>• Staff roster identifying all direct care supervisors including their <ul style="list-style-type: none"> <li>○ Names</li> <li>○ Qualifications</li> <li>○ Position titles</li> <li>○ Shift schedule</li> <li>○ Staff they supervise</li> <li>○ Residence and/or classroom to which they are assigned (if applicable)</li> </ul> </li> <li>• Plan indicating how regularly scheduled conferences will occur between direct</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
		<p>care workers and supervisors to review ongoing case logs and to share information relative to the needs of individual students</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>
<p>11.11 Supervision of Students</p> <p>18.03(1)(a)</p>	<p>The program shall develop and implement a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any program-related activity on and off school grounds.</p>	<ul style="list-style-type: none"> <li>• Copy of supervision plan for program-related activities, and a written plan for supervision of individual and group recreational programs from policies and procedures manual</li> </ul>



<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>11.12 Equal Access</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106, 106.; Section 504: 29 U.S.C. 794; 34 CFR 104,104 ; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; M.G.L. c. 76, § 5; 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011</p>	<p>The program provides all students with equal access to services, facilities, activities and benefits regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.</p> <ol style="list-style-type: none"> <li>1. The program provides equal opportunity for all students to participate in intramural and interscholastic sports; and</li> <li>2. Extracurricular activities or clubs sponsored by the program do not exclude students on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.</li> </ol>	<ul style="list-style-type: none"> <li>• List of intramural and interscholastic sports offerings, extracurricular activities and clubs sponsored by the program as well as requirements for participation in each of these activities</li> <li>• List and location of any separate facilities, activities or services provided on the basis of any other protected category (race, gender, color, religion, national origin, sexual orientation or homelessness), with narrative explaining reason for separation and confirming comparability</li> </ul>

## AREA 12: EDUCATIONAL STAFFING REQUIREMENTS – STAFF TRAINING

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>12.1 New Staff Orientation and Training</p> <p>18.05(11)(g, i); 28.09(7)(f)</p>	<p>The program shall develop and implement a written plan for new staff orientation and training that is consistent with the needs of the student population and includes an orientation-training program which includes the following:</p> <ol style="list-style-type: none"> <li>1. Program’s philosophy</li> <li>2. Organization</li> <li>3. Program</li> <li>4. Practices</li> <li>5. Goals</li> <li>6. ESE required topics (12.2 a-e)</li> <li>7. Provisions for orientation of intern, volunteers or others who work at the program, if applicable.</li> </ol> <p><b>NOTE:</b> New staff may not be assigned direct care duties with students until they have participated in all mandated trainings listed under criterion 12.2 a-e through their orientation program.</p>	<ul style="list-style-type: none"> <li>• Name of person responsible for coordination and implementation of orientation training</li> <li>• Copy of written orientation and training program for new staff from policies and procedures manual</li> </ul>
<p>12.2 In-Service Training Plan and Calendar</p> <p>28.09(7)(f); 28.09(9)(b); 28.09(10); 18.03(3); 18.05(9)(e)(1);</p>	<p>All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all</u> staff:</p> <ol style="list-style-type: none"> <li>a. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission;</li> </ol>	<ul style="list-style-type: none"> <li>• The name and job description for the staff person responsible for the development and implementation of the in-service training program/calendar from policies and procedures manual</li> <li>• Annual detailed in-service training plan. This plan must reflect a minimum of:</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>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 as amended by Chapter 199 of the Acts of 2011</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) regarding race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.</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> <p>f. How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction;</p> <p>g. Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and</p> <p>h. Student record policies and confidentiality issues.</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 appropriate staff based on their job responsibilities</u>:</p> <p>i. CPR training and certification;</p> <p>j. Medication administration (including, but not limited to,</p>	<p>○ 20 training hours for a 10 month program, or</p> <p>○ 22 training hours for an eleven month program, or</p> <p>○ 24 training hours for a twelve month program,</p> <p><b>and</b></p> <p>○ <u>All</u> training topics provided;</p> <p>○ The name and job title of the person conducting the individual training sessions;</p> <p>○ The audiences to whom the training will be offered (i.e., special education teachers, direct care staff, social workers and volunteers/interns);</p> <p>○ The <u>dates</u> and <u>times</u> when the various training topics will be offered;</p> <p>○ The length of time allotted for each topic (i.e., two hours, ½ day); and</p> <p>○ Plans for outside training opportunities (i.e., MAAPS Conference, conferences on autism, etc.).</p> <p>● Description of how the program tracks and records individual staff attendance at</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects);</p> <p>k. Transportation safety (for staff with transportation-related job responsibilities); and</p> <p>l. Student record policies and confidentiality issues (for staff who oversee, maintain or access student records).</p>	trainings
<p>12.2(a) Required Training - Behavior Management and Restraint Training  18.05(5, 6, 7)</p>	<p>Training on behavior management and suspension and termination procedures includes:</p> <ol style="list-style-type: none"> <li>1. Program’s student conduct/discipline code</li> <li>2. Description of safeguards for students’ emotional, physical, and psychological well-being</li> <li>3. Policies on use of time-out procedures</li> <li>4. Techniques for dealing with disruptive and violent behavior</li> <li>5. Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy</li> <li>6. Procedures for obtaining and recording data regarding student discipline and behavior along with a description of how such data will be integrated into IEP Team discussions</li> <li>7. Procedures for obtaining parental consent, if appropriate, for behavior management procedures</li> </ol>	<ul style="list-style-type: none"> <li>• Policy on details of behavior management and restraint training from policies and procedures manual</li> <li>• Address each area in the “requirements” column individually</li> </ul>
<p>12.2(c) Required Training- CPR Certification</p>	<p>The program shall develop and implement a training plan for CPR Certification, which identifies:</p> <ol style="list-style-type: none"> <li>1. the staff positions/titles of staff to be trained;</li> <li>2. how many staff in each position/title will be trained; and</li> <li>3. the</li> </ol>	<ul style="list-style-type: none"> <li>• A copy of the training plan from policies and procedures manual (or health care manual)</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
18.05(9)(e)	frequency of CPR training and certification.	<ul style="list-style-type: none"> <li>• The name and qualifications of the certified instructor providing the CPR training</li> <li>• List of staff who are CPR trained, their position and expiration date of their current CPR certification</li> </ul>
12.2(d) Required Training-Medication Training  18.05(9)(f)(3)(c)	Training about the nature of a medication, potential side effects and any special precautions or requirements shall be provided by a physician or registered nurse to all staff providing care or instruction to students for whom any staff administers medication.	<ul style="list-style-type: none"> <li>• Medication training policy from policies and procedures manual (or health care manual)</li> </ul>
12.2(f) Required Training-Emergency Procedures  18.05(10); 28.09(11)	<p>The program shall conduct at least two <b>EVACUATION DRILLS</b> per shift at each location annually (including all day programs, and residences in the evening and overnight) to ensure that all students are able to leave the building safely.</p> <p>The program shall conduct <b>EMERGENCY DRILLS</b> (ex. lock down of building, flood preparedness, use of firefighting equipment, gas leak, etc.,) for staff, at least quarterly and under varied conditions, in order to:</p> <ol style="list-style-type: none"> <li>1. Assure that all personnel on all shifts are trained to perform assigned tasks;</li> <li>2. Assure that all personnel on all shifts are familiar with the use of firefighting equipment in the facility; and</li> <li>3. Evaluate in writing the effectiveness of emergency plans and</li> </ol>	<ul style="list-style-type: none"> <li>• Written log of drills</li> </ul> <p><b>NOTE:</b> A written log of each evacuation and emergency drill must be kept onsite that includes date, time, and list of names of participants (student, staff and visitors.)</p>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	procedures after each emergency drill.	

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

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
13.2 Description of Physical Facility 18.04; 28.09(8)	<p><u>Kitchen, Dining, Bathing/Toilet and Living Areas:</u></p> <p>The 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> <ol style="list-style-type: none"> <li>1. Maintain areas which are clean, well ventilated and free from hazards;</li> <li>2. 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>3. 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> </ol> <p><u>Classroom Space:</u></p>	<ul style="list-style-type: none"> <li>• A narrative description and floor plans of <u>all</u> buildings for each school and/or program (including residences). The narrative and floor plan should include the number of floors and rooms in each building, and the size and function of each room (e.g., dining room, classroom)</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>Each room or area that is utilized for the instruction of students shall be adequate with respect to the number of students, size and age of students and students' specific educational needs, physical capabilities and educational/vocational activities.</p> <p><u>Indoor Space:</u> The program 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> <ol style="list-style-type: none"> <li>1. Ensure that all areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards;</li> <li>2. 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>3. 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>4. Designate space separate from classroom areas for administrative duties and staff or parent conferences.</li> </ol>	

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<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. art. 114</p>	<p>The program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All programs receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>A program 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><b>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 program will make all programs and appropriate buildings accessible.</b></p>	<ul style="list-style-type: none"> <li>• Narrative descriptions and floor plans indicating accessibility status</li> <li>• Any program which is not accessible must submit the following documentation: <ul style="list-style-type: none"> <li>○ A plan that details steps to be taken to comply with Section 504 of the Rehabilitation Act of 1973;</li> <li>○ The name of the person responsible for implementation of the plan; and</li> <li>○ A timetable for completion of the above plan including periodic written progress reporting to the Department of Elementary and Secondary Education</li> </ul> </li> </ul>
<p>13.7 Library/Resource Room</p> <p>18.04(6)(b)</p>	<p>In addition to the regular instructional area, the program shall have a separate library or resource room that contains a variety of materials appropriate to the age and abilities of the students enrolled, and is available to all enrolled students.</p>	<ul style="list-style-type: none"> <li>• Description of library or resource area including types of materials available for student use; and</li> <li>• Statement addresses when and how often students access the library</li> <li>• Observation to ensure the program has a separate library or resource room that contains a variety of materials and is available to all enrolled students</li> </ul>



CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
13.9 Outdoor Space  18.04(7)(b)	<p>The program shall maintain or have access to an outdoor play area of at least seventy-five square feet per student using it at any one time.</p> <p>Outdoor play areas shall be accessible to direct sunlight and free from hazards and/or 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.</p>	<ul style="list-style-type: none"> <li>• Description of outdoor area(s)</li> <li>• Schedule of outdoor activities</li> </ul>

**AREA 14: REQUIREMENTS FOR DAILY CARE**

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
14.1 Clothing, Grooming and Hygiene <b>(Residential programs only)</b>  18.03(5)	<p>The program shall make provisions with parents or, where appropriate, state agencies, to ensure that all students are provided with adequate, clean, appropriate and seasonal clothing as well as with personal grooming and hygiene articles and materials necessary to meet his/her individual needs. The provision of such articles shall not be contingent upon behavior and may not be part of a level or privilege system.</p>	<ul style="list-style-type: none"> <li>• Written description addressing maintenance of student clothing and personal belonging for students whose clothing is provided by a state agency, provide a written description of how such students are provided with the opportunity to participate in the selection of their own clothing</li> </ul>
14.2 Food and Nutrition	<p>Sending school districts and approved private and public special education school programs must collaborate to make breakfast and lunch</p>	<ul style="list-style-type: none"> <li>• Copy of written plan that describes how the required communication between the</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>603 CMR 18.03(7); G.L. c. 69, § 1(C); Chapter 346 of the Acts of 1986; See also memo dated April 26, 2013 posted at <a href="http://www.doe.mass.edu/news/news.aspx?id=7422">http://www.doe.mass.edu/news/news.aspx?id=7422</a>; Section 504 of the Rehabilitation Act of 1973</p>	<p>available to publicly-funded students with disabilities if they would have had access to such meals in their sending school district. Also, if a student is eligible for free or reduced price meal benefits, that benefit must be available to the student while the student attends the approved private or public special education school program. School districts are required to communicate with such out-of-district programs whenever a student is determined to be eligible for a free or reduced price breakfast and/or lunch and/or whenever a student's eligibility status for school meals changes.</p> <p>Approved private and public special education school programs should review the availability of meals to students who are publicly funded and sending school districts should do likewise with respect to students placed in such programs by the sending school district.</p> <p>The approved private and public special education school program'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.</p> <ol style="list-style-type: none"> <li>1. The program shall prepare and serve meals in a manner and amount appropriate to the nutritional needs of each student, including special dietary needs, consistent with applicable state and federal regulations.</li> <li>2. The program 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.</li> <li>3. The program shall serve meals to students that are substantially the same as those served staff, unless age differences or special dietary</li> </ol>	<p>approved private or public special education school program and the sending school district(s) occurs addressing lunch and breakfast where applicable</p> <ul style="list-style-type: none"> <li>• Name and Title of person(s) responsible for oversight of communication addressing lunch and breakfast</li> <li>• Evidence of such communication</li> <li>• Copy of written plan that describes the methods for purchase, storage, preparations and serving of food from the health care manual</li> <li>• Name and Title of person(s) responsible for oversight of purchase, storage, preparations and serving of food</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>needs require differences in diet.</p> <p>4. The program shall allow students to eat at a reasonable, leisurely rate.</p> <p>5. Staff shall be present to assure that each student receives adequate amounts and variety of food.</p> <p>6. Programs that serve meals to students shall prepare written menus each week and shall maintain copies of menu plans for typical weeks.</p> <p>7. Programs shall provide or arrange for nutritional or mid-morning snacks for students, where appropriate.</p>	
<p>14.3 Toileting Procedures and Individual Plans  18.03(8)</p>	<p>The 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.</p> <p>The program shall toilet train students requiring such training in accordance with the plan requested by the parents or the IEP for the student and in accordance with the student's physical and emotional disabilities.</p>	<ul style="list-style-type: none"> <li>• Copy of written toileting plan</li> <li>• Name and Title of person(s) responsible for oversight</li> </ul>
<p>14.4 Visiting, Mail and Telephones <b>(Residential programs only)</b>  18.03(9)(a) and (b)</p>	<p>Programs shall develop and implement written policies and procedures pertaining to visiting and other forms of communication with family, friends and others.</p> <p>Written and telephone communication shall not be prohibited, nor shall a student's right to open and send mail which is unread by staff be infringed upon, except in accordance with the circumstances described in 603 CMR 18.03(9)(b)(1-5).</p>	<ul style="list-style-type: none"> <li>• Copy of visiting, mail and telephone policy and procedures from policies and procedures manual</li> <li>• Name and Title of person(s) responsible for oversight</li> </ul>

**AREA 15: PARENT AND STUDENT INVOLVEMENT**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>15.1 Parental Involvement and Parents' Advisory Group</p> <p>18.05(4)(a)</p>	<p>The program shall have a written plan for involving parents and shall have a Parents' Advisory Group that shall advise the program on matters that pertain to the education, health and safety of the students in the program.</p> <p>The program shall designate a staff person to support the Parents' Advisory Group.</p>	<ul style="list-style-type: none"> <li>• Parent involvement plan in manual describing outreach to parents and steps to be taken to seek parental input on matters pertaining to student health, education and safety from policies and procedures manual</li> <li>• Position title and job description of staff person assigned to work with Parents' Advisory Group</li> <li>• Copies of schedules and agendas for Parent Advisory Group meetings</li> </ul>
<p>15.3 Information to be Translated into Languages Other Than English</p> <p>Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, § 5; 603 CMR 26.02(2)</p>	<p>When students have parents or guardians with limited English language skills, the program ensures that important program information is sent to them in a timely manner and provided to them in a language that they understand, either through written translations of documents or through oral interpreters.</p>	<ul style="list-style-type: none"> <li>• Copies of important program announcements and notices published in languages other than English (must include program's Behavior Management Policy and Procedures, if applicable)</li> <li>• Description of how the program will respond promptly to parent/guardian requests to have other important program information translated on</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
		demand, either orally or in writing
15.4 Change of Student's Legal Status  18.05(4)(b)	The program 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.	<ul style="list-style-type: none"> <li>• Copy of written procedures addressing changes in students' legal status from policies and procedures manual</li> </ul>
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	<p>The program shall develop and implement policy and procedures to work with school districts to obtain the following consents:</p> <p><b><u>1. Annual:</u></b></p> <ul style="list-style-type: none"> <li>a. Emergency medical treatment</li> <li>b. Restraints</li> <li>c. Medication Administration (when applicable)</li> </ul> <p><b><u>2. When applicable:</u></b></p> <ul style="list-style-type: none"> <li>a. Research</li> <li>b. Experimentation</li> <li>c. Fundraising</li> <li>d. Publicity and</li> <li>e. Observation</li> </ul> <p>3. The program's policy and procedures shall include, when applicable, notification pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues.</p>	<ul style="list-style-type: none"> <li>• Sample of all consent and notification forms used by the program</li> <li>• Copy of policy and procedures to work with school districts to obtain consents from policies and procedures manual</li> </ul>
15.8	1. The program shall develop, implement and make available to	<ul style="list-style-type: none"> <li>• Name, position and title of person(s)</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>Registering Complaints and Grievances –Parents, Students and Employees</p> <p>18.05(1)(b)(16); Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42U.S.C. 12132; 28 CFR 35.107; 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011</p>	<p><b>parents and, when applicable, students</b> a set of written procedures that may be used to register complaints regarding the student’s education and care at the program that includes specific timelines and the appeals process.</p> <p>2. The program must also adopt and publish grievance procedures for <b>students</b> providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness) that includes specific timelines and the appeals process.</p> <p>3. The program must also adopt and publish grievance procedures for <b>employees</b> providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness) that includes specific timelines and the appeals process.</p>	<p>responsible for investigating and resolving complaints regarding students’ education and care</p> <ul style="list-style-type: none"> <li>• Copy of complaint procedures from policies and procedures manual</li> <li>• Name, position and title of person(s) responsible for investigating and resolving discrimination complaints made on behalf of employees and students</li> <li>• Copy of grievance policy and procedure for students</li> <li>• Copy of grievance policy and procedure for employees</li> <li>• Copy of written procedures that are made available to students, parents and/or employees for the purpose of registering such complaints and/or concerns</li> </ul>

## AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
<p>16.2 Physician Consultation</p> <p>18.05(9)(a) M.G.L. c. 71, §§ 53, 53A, and 53B</p>	<p>The program shall have a licensed school physician available for consultation.</p> <p><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 program, by the Board of Trustees.</p>	<ul style="list-style-type: none"> <li>• Name and address of licensed school physician employed/contracted by the program</li> <li>• Description of services provided to the program from health care manual</li> </ul>
<p>16.3 Nursing</p> <p>18.05(9)(b) M.G.L. c. 112 M.G.L. c. 71, §§ 53, 53A, and 53B</p>	<p>The program shall have a registered school nurse available depending upon the health care needs of the program's population.</p> <p><b>NOTE:</b> School Nurse means a nurse practicing in a program setting, who is:</p> <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>	<ul style="list-style-type: none"> <li>• Name(s) of school nurse R.N.</li> <li>• Shift schedule</li> <li>• Explanation of how nurse's availability is sufficient for needs of the student population from health care manual</li> </ul>
<p>16.4 Emergency First Aid and Medical Treatment</p> <p>18.05(9)(e, f)</p>	<p>The program shall have develop and implement policies and procedures for emergency first aid and medical treatment, including:</p> <ol style="list-style-type: none"> <li>1. No emergency first aid or medical treatment is administered to a student without written authorization from a parent. Such authorization shall be renewed annually;</li> <li>2. Secure storage of adequate first aid supplies, including but not</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written policies and procedures for emergency first aid and treatment from health care manual</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>limited to bandages, body substance isolation gloves, gauze, adhesive tape, and cleaning solutions;</p> <p>3. Easy access to first aid supplies in major activities areas;</p> <p>4. Procedures to be followed in the case of illness or emergency, including methods of transportation and notification of parents;</p> <p>5. A procedure for informing parents or the Department of Children and Families if appropriate of any medical care administered to their child other than basic first aid. (For students in the Department of Children and Families care or custody, an Educational Surrogate Parent shall not have authority to consent to routine or other medical care. For such students, consent shall be obtained consistent with the applicable Department of Children and Families requirements); and</p> <p>6. Procedures to be followed in the case of illness or emergency if parents cannot be reached.</p>	
<p>16.5 Administration of Medication</p> <p>18.05(9)(f)(8)</p>	<p>The program shall develop and implement written policy and procedures regarding the administration of medication including, but not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. No medication is administered to a student without written authorization from a parent. Such authorization shall be renewed annually.</li> <li>2. No prescription medication shall be administered to a student without the written order of the physician prescribing the medication to that student.</li> <li>3. The program maintains written policies and procedures regarding prescription and administration of medication including authorization, prepackaging and staff training.</li> </ol>	<ul style="list-style-type: none"> <li>• Copy of written policy and procedures for administration of medication from health care manual</li> </ul>



CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>4. Any change of medication or dosage must be authorized by a new order from a physician.</p> <p>5. A written record shall be maintained of the prescription of medication to students. A written record shall also be maintained of the administration of prescribed medication to students and train staff by a licensed physician or registered nurse. Significant side effects of medications shall also be recorded.</p> <p>6. All medicine shall be kept in a locked, secure cabinet and labeled with the student's name, the name of the drug and the directions for its administration.</p> <p>7. The program shall dispose of or return to the parents any unused medication.</p> <p>8. Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist.</p> <p>9. Provisions must be made for refrigeration of medications, when necessary.</p> <p>10. The program 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.</p> <p>11. A review of medications administered to a student shall be incorporated into all case reviews conducted at the program with staff regarding the student.</p>	
16.6 Administration of Antipsychotic Medication	The program 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>except under the following</b>	<ul style="list-style-type: none"> <li>• Copy of written policy and procedures for administration of antipsychotic medication from health care manual</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
18.05(9)(f)(9)	<p><b><u>circumstances:</u></b></p> <ol style="list-style-type: none"> <li>1. 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>2. The prescribing physician shall submit a written report to the program 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>3. 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>4. 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>5. Except in an emergency, as defined in 18.05 (9)(g), the program 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</li> </ol>	

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>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> <p>6. 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).</p> <p>7. The program 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 program shall specify and follow procedures if the student refuses to consent to administration of the medication.</p>	
<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 program shall describe in writing a plan for the preventive health care of students:</p> <p>1. 603 CMR 18.05(9)(g)(1) Dental The program, 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 dental examination.</p> <p>2. 105 CMR 200.100(B)(1) Physical</p>	<ul style="list-style-type: none"> <li>• Copy of written plan for preventive health care from health care manual</li> </ul>

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>The program shall ensure that every student be separately and carefully examined by a duly licensed physician, nurse practitioner or physician assistant upon admission (within one year prior to entrance to program or within 30 days after program entry) and every 3-4 years afterwards. The program 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.</p> <p>3. 105 CMR 200.400(B) Vision The program shall, in cooperation with the student's public school, develop a plan to ensure that vision screenings are conducted. The vision of each student in the program is to be screened in the year of program entry; annually through grade 5 (or by age 11 in ungraded classrooms); once in grades 6 through 8 (or ages 12 through 14 in ungraded classrooms); and once in grades 9 through 12 (or ages 15 through 18 in ungraded classrooms).</p> <p>4. 105 CMR 200.400(C) Hearing The program shall, in cooperation with the student's public school, develop a plan to ensure that hearing screenings are conducted. The hearing of each student in the program is to be screened in the year of program entry; annually through grade 3 (or by age 9 in the case of ungraded classrooms); once in grades 6 through 8 (ages 12 through 14 in the case of ungraded classrooms); and once in grades 9 through 12 (ages 15 through 18 in the case of ungraded classrooms).</p> <p>5. G.L. c.71, § 57 Posture The program shall, in cooperation with the student's public school, develop a plan to ensure that postural screenings are conducted. Tests ascertaining postural defects shall be administered at least once</p>	

CRITERION NUMBER, TOPIC AND LEGAL STANDARD	REQUIREMENTS	DOCUMENTATION REQUIREMENTS
	<p>annually in grades 5 through 9.</p> <p>6. The program shall have a policy and procedure for assuring that a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school and for notifying all parents and referring agencies of the introduction of a reported communicable disease into the program. The local board of health must be notified in accordance with M.G.L. c. 111, § 111.</p> <p>7. The program shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students. Medications and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with contents and antidote. The phone number for the nearest poison center must be posted clearly.</p> <p>8. Where appropriate, the program shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation.</p> <p>The program shall require that all students have necessary immunizations as required by the Department of Public Health.</p>	
<p>16.8 Receipt of Medical Treatment – Religious Beliefs  18.05(9)(k)</p>	<p>The program shall develop and implement written policy and procedures regarding receipt of medical treatment based on religious beliefs. The policy must include that programs 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>	<ul style="list-style-type: none"> <li>• Copy of policy regarding receipt of medical treatment on the basis of religious belief from health care manual</li> </ul>
<p>16.11 Student Allergies</p>	<p>The program shall develop and implement written policy and procedures for protecting a student from exposure to foods, chemicals, or other</p>	<ul style="list-style-type: none"> <li>• Copy of written student allergies policy and procedures from health care manual</li> </ul>

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
18.05(9)(h)	materials to which they are allergic, as stated by their physician/medical assessment.	
16.12 No Smoking Policy  M.G.L. c. 71, § 37H	The program shall develop and implement a written policy that prohibits the use of any tobacco products within the program buildings, the program facilities or on the program grounds or on buses by any individual, including program personnel.	<ul style="list-style-type: none"> <li>• Copy of written no smoking policy from health care manual</li> </ul>

**AREA 17: TRANSPORTATION SAFETY**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>17.1 Transportation Safety  28.09(11)(b)</p>	<p>If there are staff from the program who 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.</p> <p>Programs that use staff to transport students must have a copy of the current license of the employee.</p>	<ul style="list-style-type: none"> <li>• Copy of written transportation procedures from policies and procedures manual</li> <li>• List of approved drivers</li> <li>• Copy of current Massachusetts driver's license for staff who will transport students</li> </ul>

## AREA 18: STUDENT RECORDS

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<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>Programs 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> <ol style="list-style-type: none"> <li>1. The program shall make the individual records of enrolled Massachusetts students available to the Department of Elementary and Secondary Education upon request.</li> <li>2. Staff notes or reports regarding a student shall be legibly dated and signed by persons making entries.</li> <li>3. 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:               <ol style="list-style-type: none"> <li>aa. 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>bb. the date of access;</li> <li>cc. the parts of the record to which access was obtained; and</li> <li>dd. the purpose of such access.</li> </ol> </li> </ol> <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</p>	<ul style="list-style-type: none"> <li>• Name of person(s) responsible for oversight and maintenance of student records</li> <li>• Copy of log of access form</li> </ul> <p><b>NOTE:</b> A log of access form must be maintained in each individual student’s record.</p>



	add information to or obtain access to the student record and the school nurses who inspect the student health record.	
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**AREA 19: ANTI-HAZING**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
19 Anti-Hazing  M.G.L. c. 269 §§ 17 through 19	<ol style="list-style-type: none"> <li>1. The principal/education director of each school program serving secondary school age students issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the school program's anti-hazing disciplinary policy approved by the program's Board of Director's.</li>   <li>2. Each school program serving secondary school age students files, at least annually, a report with the Department certifying               <ol style="list-style-type: none"> <li>a) Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19;</li> <li>b) Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and</li> <li>c) That the hazing policy has been included in the student handbook or other means of communicating school program policies to students.</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• Report must be on file with Department on or before Oct. 1<sup>st</sup> each year</li>   <li>• Copies of student handbooks or disciplinary code distributed to students</li>   <li>• Documentation of students' receipt of a copy of the school program's anti-hazing disciplinary policy approved by the program's Board of Director's</li> </ul>

**AREA 20: BULLYING PREVENTION AND INTERVENTION**

<b>CRITERION NUMBER, TOPIC AND LEGAL STANDARD</b>	<b>REQUIREMENTS</b>	<b>DOCUMENTATION REQUIREMENTS</b>
<p>20 Bullying Prevention and Intervention</p> <p>M.G.L. c. 71, § 37H, as amended by Chapter 92 of the Acts of 2010; M.G.L. c. 71, § 37O(d) and (e)(1) &amp; (2).</p>	<ol style="list-style-type: none"> <li>1. Programs must amend handbooks/admission materials to include an age-appropriate summary of their new Bullying Prevention and Intervention Plan.</li> <li>2. Program employee handbooks/policies and procedures must contain relevant sections of the Plan relating to the duties of educational staff and other staff.</li> <li>3. Each year all programs must give parents and guardians annual written notice of the student-related sections of the local Plan.</li> <li>4. Each year all programs must provide all staff with annual written notice of the Plan.</li> <li>5. All programs must implement, for all staff, professional development that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying.</li> </ol>	<ul style="list-style-type: none"> <li>• A description of the process the program followed to amend its' student admissions materials/handbook to include an age-appropriate summary of their Bullying Prevention and Intervention Plan.</li> <li>• A description of how the Bullying Prevention and Intervention Plan information was distributed.</li> <li>• A description of the professional development plan developed by the program for all staff for the School Year and evidence of its implementation, to include dates, format(s) used and agenda(s) if appropriate. Please include which, if any, position(s) listed below are not associated with your program.</li> </ul>







**Document #7: Private Program PROPOSED MASTER STAFF ROSTER FORM**

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION MASTER STAFF ROSTER**

**AGENCY NAME:** \_\_\_\_\_

**PROGRAM NAME:** \_\_\_\_\_

**DATE OF SUBMISSION:** \_\_\_\_\_

Number of students Program Rate is based upon: \_\_\_\_\_ Current Enrollment: \_\_\_\_\_

**NOTE: One staff name per line; this master staff roster must indicate all FTE's that matches the last approved budget.**

UFR #	UFR Title	Total FTE(s)	POSITION TITLE WITHIN PROGRAM	FIRST AND LAST NAME OF PERSON CURRENTLY IN POSITION (NOTE IF VACANT)	*JUSTIFICATION FOR ALL DISCREPANCIES FROM THE LAST APPROVED PROGRAM BUDGET
101	Program Function Manager				
102	Program Director				
103	Assistant Program Director				
104	Supervising Professional				
105	Physician				
107	Registered Nurse/ Master's				
108	Registered Nurse				
109	Licensed Practical Nurse				
111	Occupational Therapist				
112	Physical Therapist				
113	Speech / Language Pathologist, Audiologist				
114	Dietician/Nutritionist				
115	Special Education Teacher				
116	General Education Teacher				

117	Day Care Director				
118	Day Care Lead Teacher				
119	Day Care Teacher				
120	Day Care Assistant Teacher/Aides				
121	Psychiatrist				
122	Psychologist – Doctorate				
123	Clinician				
124	Social Worker - LICSW				
125	Social Worker - LCSW				
126	Social Worker - LSW				
127	Licensed Counselor				
130	Counselor				
131	Case Worker/Manager – Master’s				
132	Case Worker/Manager				
133	Direct Care Program Staff Supervisor				
134	Direct Care/Program Staff III				
135	Direct Care / Program Staff II				
136	Direct Care/Program Staff I				
137	Program Secretarial / Clerical				
138	Program Support – Housekeeping, Cook, Maintenance, Janitorial, Groundskeeper, Driver				
201	Direct Care Consultant				
202	Temporary Help				
206	Sub-Contract Direct Care				

**Document #8: Public Program PROPOSED MASTER STAFF ROSTER FORM**

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
PUBLIC PROGRAM MASTER STAFF ROSTER**

**SCHOOL DISTRICT/COLLABORATIVE NAME: \_\_\_\_\_**

**SCHOOL PROGRAM NAME: \_\_\_\_\_**

**DATE OF SUBMISSION: \_\_\_\_\_**

**NOTE: One staff name per line (add additional lines if needed).**

<b>JOB TITLE</b>	<b>POSITION/TITLE WITHIN SCHOOL</b>	<b>FIRST AND LAST NAME OF PERSON CURRENTLY IN POSITION (IF VACANT, INDICATE SO)</b>
Program Principal		
Program Director		
Assistant Program Director		
Special Education Teacher		
General Education Teacher		
Teacher Aides		
Occupational Therapist		
Physical Therapist		
Speech/Language Pathologist		
Dietician/Nutritionist		
Physician		
Registered Nurse		
Licensed Practical Nurse		
Psychiatrist		
Psychologist		
Clinician		
Social Worker		
Counselor		
Case Worker/Manager		
Consultant		



