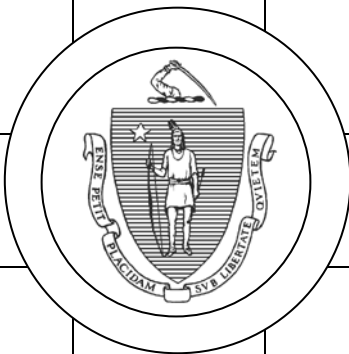




Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

**DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
RE-APPROVAL PROCEDURES FOR
EXISTING APPROVED MASSACHUSETTS
PRIVATE DAY OR RESIDENTIAL
SPECIAL EDUCATION PROGRAMS**

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



School Year 2012-2013



Massachusetts Department of Elementary and Secondary Education

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MEMORANDUM

To: Directors of Massachusetts Approved Private Special Education Programs and Interested Parties

Date: May 14, 2012

From: Darlene A. Lynch, Director, Program Quality Assurance Services

Subject: Re-Approval Procedures for Existing Approved Massachusetts Private Day or Residential Special Education Programs pursuant to IDEA-2004, M.G.L. c. 71B, 603 CMR 18.00 and 28.00

Attached are the standards and necessary materials for the annual re-approval of out-of-district private day or residential special education programs as required by current Board of Elementary and Secondary Education regulations at 603 CMR 18.00 and 28.09. Please note that Approved Private Special Education Programs scheduled to undergo a Program or Mid-cycle Review during the 2012-2013 school year do not need to complete this re-approval process, as your approval status will be determined based on the Department's full monitoring activities. This information package includes the instructions and forms necessary for an approved private special education program to demonstrate compliance with applicable sections of the current state and federal special education requirements. The due date for re-approval materials is **October 1, 2012**.

Specifically, you will find:

- Instructions for applying for the re-approval of existing approved private programs;
- A NEW Learning Time Worksheet to be submitted with all required documentation and information and the related 6.1 and 6.4 criteria;
- A Re-approval Face Sheet to be submitted with all required documentation and information;
- A Statement of Assurances to be signed by private program officials;
- A detailed description of the regulatory requirements applicable to the re-approval of these out-of-district special education programs;
- Information regarding documentation that must be submitted to demonstrate compliance with each specified requirement;
- Information regarding documentation that must be maintained onsite to demonstrate compliance with each specified requirement;
- Information on the types of approval statuses and oversight provided for under the regulations; and
- Required administrative forms to be used by approved private special education day and residential programs.

Special Notes: If submitting re-approval materials for more than one program, separate them by program, including all student and staff information, and submit a Face Sheet, Learning Time Worksheet and a Statement of Assurances for *each program*. Any licensure issue requiring the program's obtaining of a waiver should be addressed by the program *before* the program submits its re-approval materials so that at the time the re-approval materials are reviewed the program is in compliance with the licensure requirements. Failure to do so may negatively affect the program's approval status. Licensure must be in the appropriate subject matter area and at the appropriate grade levels. Safety Inspection and Fire Inspection certificates need to be current (not already expired).

The Department is not requiring the submission of a master staff roster with the re-approval materials based on the adoption of its Web-based Monitoring System (WBMS). Each program will review its master staff roster via the WBMS during the self-assessment phase of monitoring in the year before the Department is scheduled to perform the onsite portion of the Program Review. The Department expects that in the interim, programs will internally review their own staffing to ensure all staff positions correspond to the last approved Program Budget.

Thank you for your cooperation in completing all required documentation in order for the Department to re-approve private special education programs for students with disabilities who have been determined by IEP Teams to require special education services delivered in out-of-district private day and residential settings.

Please note that this document is not intended for use by programs seeking Initial Program Approval.
The Approval Procedures for Initial Applications - Massachusetts Public or Private Day or Residential Special Education School Programs can be found at http://www.doe.mass.edu/pqa/sa_nr/.

All private agencies intending to seek Initial Program Approval from the Department to operate a day or residential special education program must submit a Form 3, "Intent To Apply For Initial or Reconstructed Program Approval."

Additionally, a Form 3 must be submitted by any private agency seeking to reconstruct its currently approved program(s). The Form 3 narrative must be submitted prior to submission of any other application information.

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

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**REQUEST FOR RE-APPROVAL OF AN EXISTING
MASSACHUSETTS APPROVED PRIVATE
DAY OR RESIDENTIAL SPECIAL EDUCATION PROGRAM**

An updated application for the *re-approval* of an existing Massachusetts approved private special education day or residential program must be submitted to the Department of Elementary and Secondary Education **every year**. Applications for re-approval must contain all information and related documentation in these re-approval standards, together with any other information required by the Department of Elementary and Secondary Education. The bulleted “Documentation Requirements” listed on the right-hand side of the re-approval standards must be provided to the Department, whereas the Documentation Requirements that appear as a “NOTE” must be maintained onsite and be made available for inspection upon request.

By **October 1st, 2012** every Massachusetts Approved Private Program is required to provide updated written information pertaining to the specific approval requirements contained in this document. Prior to the start of a school year, the Department of Elementary and Secondary Education issues these updated re-approval procedures clearly describing the content of the requirements to be addressed in the re-approval update process. In the fall of each school year, Department staff will communicate with all schools regarding the review of this updated re-approval information. The Department will conduct an internal desk review of the re-approval update materials and determine if additional information is required. If so, a written checklist will be issued clearly indicating Department determinations and/or any questions or concerns related to each requirement addressed. **The program will be provided with a date certain to submit any additional and/or clarifying documentation.**

DETERMINATION OF APPROVAL STATUS

Full Approval

For Private programs, upon completion of a scheduled Program Review or Mid-cycle Review and issuance of a Final Report, the Department may issue a Full Approval, which will remain effective for three years and will expire on August 31st of the third year of approval, unless the Department revokes such approval or issues a Provisional or Probationary Approval as provided under 603 CMR 28.09. The Private program must receive approval of all required Corrective Action Plans resulting from a Program or Mid-cycle Review in order to obtain a Full Approval status. During each subsequent year following the Program Review or Mid-cycle Review the Department will review the re-approval materials submitted, and, if warranted, issue a different approval status, as described below. If the Department finds that the program substantially meets all selected re-approval requirements the program will receive a Full Approval and a letter will be issued to that effect and the previously issued Approval Certificate, including the expiration date, will remain in force.

Provisional Approval

If all selected re-approval requirements are not substantially met, the Department shall 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 program must submit a Corrective Action Plan for the Department’s approval that addresses the issues as determined through the Department’s review of the submitted updated re-approval materials and/or any onsite visit conducted by the Department. The Department of Elementary and Secondary Education 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. Please note that the Department may not issue a Provisional Approval unless the program provides satisfactory evidence that it can fully implement student IEPs and there are no health or safety concerns.

For private programs that are undergoing Program Reconstruction, Special Circumstances or Extraordinary Relief, please note that even if the private program has substantially met all of the re-approval requirements for a Full Approval, the private program will remain on Provisional Approval until the completion of the Program Reconstruction, Special Circumstances or Extraordinary Relief process.

Probationary Approval

The Department shall place a program on Probationary Approval if it becomes aware of conditions at the program 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 Approval, 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 an additional detailed explanation of standards and procedures in cases where the Department issues notice of Probationary status to a 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 program must be issued such an approval.

RE-APPROVAL FACE SHEET FOR DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

2012-2013 Re-Approval Procedures for Existing Approved Massachusetts Private Day or Residential
Special Education School Programs

**RE-APPROVAL OF AN EXISTING APPROVED MASSACHUSETTS PRIVATE
DAY OR RESIDENTIAL SPECIAL EDUCATION PROGRAM
(IDEA-2004, M.G.L. c. 71B, 603 CMR Section 18.00 and Section 28.00)**

PAGE 1 of 2

DATE OF REQUEST _____ SCHOOL YEAR _____

Agency Name: _____
Address: _____
Telephone: (____) _____ Fax Number: _____
E-mail Address: _____
Website: _____

Name of Program/Private 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

Current Approval Status: (Check one)
 Full Provisional Probationary
Expiration Date: _____

EEC License/Approval Status (Residential only):
License Type: _____
Expiration Date: _____

Number of Days School is in Session per Department approval: _____
Number of Days the Residential Program Operates (Where Applicable): _____
Total Instructional Hours for the School Year: _____ hours

Current Enrollment: _____ Number of students Program Rate is based upon: _____
ESE Approved Enrollment: _____ Is this the result of an approved Form 1? Yes No
If yes, provide the date of the approved Form 1: _____

PAGE 2 of 2

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) _____

Student: Licensed Educator Ratios: _____

(Licensed special education teachers, licensed regular education teachers or licensed related service providers to the number of students within an instructional group)

(See monitoring standard 10.1 of the Approved Private Special Education School Program Review Procedures at <http://www.doe.mass.edu/pqa/review/psr/default.html> for details)

Student: Licensed Educator and Aide Ratios: _____

(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)

(See monitoring standard 10.1 of the Approved Private Special Education School Program Review Procedures at <http://www.doe.mass.edu/pqa/review/psr/default.html> for details)

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: _____

**REQUEST FOR RE-APPROVAL OF AN EXISTING APPROVED
MASSACHUSETTS PRIVATE DAY OR RESIDENTIAL
SPECIAL EDUCATION PROGRAM**

**LEARNING TIME WORKSHEET
Criteria 6.1 and 6.4**

Purpose and Directions

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 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 is reviewing the structured learning time for every approved program an agency operates in order to verify that all students are 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 are scheduled to receive the number of instructional hours a program was approved by the Department to provide. A separate worksheet must be used for each approved program where an agency operates more than one program. If any program is not in full compliance with the student learning time standards it should prepare a written plan to bring the effected program into full compliance and submit it to the Department with its other re-approval documentation.

**AGENCY
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 (See <http://www.doe.mass.edu/pqa/review/psr/instrument.pdf>)?

Yes No

(See Next Page)

**AGENCY
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

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
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 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.
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
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.)

(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.

**REQUEST FOR RE-APPROVAL OF AN EXISTING APPROVED
MASSACHUSETTS PRIVATE DAY OR RESIDENTIAL
SPECIAL EDUCATION PROGRAM
STATEMENT OF ASSURANCES**

2012-2013 Re-Approval Procedures for Existing Approved Massachusetts Private Day or Residential
Special Education School Programs

Name of Private School:

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 (applicable to submission of requests for Initial Approval of Private Special Education Schools ONLY)

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 28.06(3)(f)(5) and 18.05(11)(j), WE assure the Department of Elementary and Secondary Education that the program does not discriminate in the enrollment of students and in the employment of personnel on the basis of race, gender, color, religion, national origin, age, sexual orientation or disability.

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 as 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 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.

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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 for details on Contracts.)

18. Aspects of Program, Staff Credentials and Student Records

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;

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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. Anti-Bullying

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 took effect immediately upon signing and includes timelines for a number of activities to be undertaken for the 2010-2011 school year, including a requirement to create and file bullying prevention and intervention plans with the Department on or before December 31, 2010. 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)

SELECTED RE-APPROVAL CRITERIA AND 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 approvals, and certificates of inspection by state and local agencies.</p> <ul style="list-style-type: none"> • Safety Inspection. The school shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access; • Fire Inspection. The school shall obtain a written report of an annual fire inspection from the local fire department; and • Local Board of Health permit if providing food services. 	<p><u>Documentation:</u></p> <ul style="list-style-type: none"> • Provide current copies of licenses, approvals, and certificates of inspection
<p>2.3 EEC Licensure</p> <p>102 CMR 3.00 (Residential programs only)</p>	<p>The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00).</p>	<p><u>Documentation:</u></p> <ul style="list-style-type: none"> • Provide copy of EEC license
<p>6.1 Daily Instructional Hours</p> <p>603 CMR 27.04</p> <p>&</p> <p>6.4 School Days Per Year</p> <p>603 CMR 27.05(2); 28.09(9)(a)</p>	<p>The program ensures that each student is scheduled to receive an average minimum of the following <u>instructional hours</u> (including physical education for all students, required by M.G.L. c. 71, § 3), within the required school year schedule, unless otherwise approved by the Department or a student’s IEP provides otherwise:</p> <ul style="list-style-type: none"> • Elementary – A total of: <ul style="list-style-type: none"> 10 month program – 900 hours 11 month program – 990 hours 12 month program – 1080 hours • Secondary – A total of: <ul style="list-style-type: none"> 10 month program – 990 hours 11 month program – 1089 hours 12 month program – 1188 hours <p>Where the private special education program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.</p> <p><u>NOTE:</u> The program ensures that its structured learning time is time during which</p>	<p><u>Documentation:</u></p> <p><u>Complete the Learning Time Worksheet on page 7 of this booklet. NOTE: The information you provide on the Face Sheet regarding the instructional hours and the number of school days per year should match the information you provide on the Learning Time Worksheet.</u></p> <ul style="list-style-type: none"> • Block schedule that includes: <ul style="list-style-type: none"> ○ Beginning and ending time for each instructional block; ○ Subject area for each block; ○ All non-instructional time (e.g. lunch, recess, transitions between classes, etc.); and ○ If non-instructional time

	<p>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>All programs must also run for the following minimum number of days unless otherwise approved by the Department (exclusive of weekends, holidays, vacations):</p> <ul style="list-style-type: none"> • 10 month program - 180 days • 11 month program – 198 days • 12 month program – 216 days 	<p>activities are counted as instructional hours, they must be specified in student’s IEPs and ample IEP goals and objectives must be submitted</p>
<p>8.5 Current IEP & 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>	<p><u>Documentation:</u></p> <p><u>Complete the form on page 21 of this booklet</u></p> <ul style="list-style-type: none"> • A roster of publicly funded <u>Massachusetts</u> students currently enrolled in the program containing the following information: <ul style="list-style-type: none"> ○ Each student’s initials (<u>not name</u>); ○ The school district responsible for preparing the student’s IEP; ○ The name of the school district contact person for each student; ○ The agency(ies) supporting any part of the student’s tuition; ○ The portion of tuition supported by such

		<p>agency(ies);</p> <ul style="list-style-type: none"> ○ The implementation date of the most recently issued and consented to IEP; ○ The date of expiration for the most recently issued and consented to IEP; The date of parental signature on the most recently issued and consented to IEP; and ○ For each unsigned IEP, evidence/documentation of efforts and/or steps taken for the public school district to obtain signed IEPs
<p>11.3 Educational Administrator Qualifications</p> <p>28.09(5)(a); 28.09(7)(a); 603 CMR 44.00</p>	<p>At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned to supervise the provision of special education services in the school and to ensure that the services specified in each student’s IEP are delivered. The educational administrator shall either possess licensure as a special education administrator or possess all of the following:</p> <ul style="list-style-type: none"> • License as a special educator; • A minimum of a master's degree in special education or a related field; and • A minimum of one year of administrative experience. <p>The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.</p> <p>The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04.</p>	<p><u>Documentation:</u></p> <ul style="list-style-type: none"> • Name of educational administrator(s) <p>and either</p> <ul style="list-style-type: none"> • Copy of licensure as a special education administrator <p>or all of the following:</p> <ul style="list-style-type: none"> • Copy of license as a special educator or copy of ELAR activity sheet; and, • Evidence of Master’s Degree in special education or a related field; and • Evidence of a minimum of one year of administrative experience.
<p>11.4 Teachers (Special Education Teachers and Regular Education Teachers)</p>	<p>The program must ensure that all special education teachers and regular education teachers 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>	<p><u>Documentation:</u></p> <p><u>Complete the form on page 22</u></p>

<p>18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321</p>	<ul style="list-style-type: none"> • All special education teachers and regular education teachers 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. • To the extent that a teacher is providing special education services, such services shall be provided, designed, or supervised by a special educator. • A teacher from the program who has knowledge about the education and learning progress of the student must be in attendance at the IEP meeting for the student. <p>NOTE: At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the school; other teaching staff may be licensed in other educational areas, in order to provide for content expertise in the general curriculum. The Department of Elementary and Secondary Education may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services.</p> <p>The number of special education teachers and the number of the general education teachers must correspond with the most recent approved budget.</p>	<p>of this booklet</p> <ul style="list-style-type: none"> • Current teaching staff roster that includes all UFR 115's special education teachers and UFR 116's regular education teachers in the program that contains the following information: <ul style="list-style-type: none"> ○ UFR#; ○ Name; ○ Position title within the program; ○ Grade level(s) taught; ○ Subject(s) taught; ○ Massachusetts teaching license title, type, grade level, number and expiration date; ○ Copy of license or most current ELAR activity sheet; ○ 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; ○ In instances when general education teachers are providing special education services, the name and license of the special educator providing supervision; and ○ Most recent date of Professional Development Plan for special education
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		teachers and general education teachers with professional level licensure.
11.5 Related Services Staff 28.09(7)(d)	All staff providing or supervising the provision of related services (including registered nurses and consultants) shall be appropriately certified, licensed or registered in their professional areas.	<p><u>Documentation:</u> <u>Complete the form on page 23 of this booklet</u></p> <ul style="list-style-type: none"> • A current staff roster for <u>all</u> related service providers that includes each provider's <ul style="list-style-type: none"> ○ UFR #; ○ Name; ○ Position title within program; and ○ License number and/or Massachusetts State Board of Registration number. • Copy of License and/or Massachusetts State Board of Registration.

Private School Program Staff Completing Page 1 of this form can review the checklist below to ensure that information submitted to the Department is complete and that it responds to all Form 1 information requirements. Form 1: Revised 1/10

<p>Necessary Information Required for Form 1's <u>NOTIFICATION:</u> <u>Required documentation for the monitoring criteria listed below can be found at</u> http://www.doe.mass.edu/pqa/review/psr/instrument.doc</p>	
<p>IMMEDIATE NOTIFICATION IS REQUIRED</p>	
<p>Unexpected building change as the result of an emergency Approvals, Licenses, Certificates of Inspection (criteria 2.2) EEC Licensure if applicable (criteria 2.3) Physical Facility/Architectural Barriers (criteria 13.4) Notification to parents/guardians and responsible school districts Anticipated return date to original location</p>	
<p>Change in program's financial status that impacts either the health and safety of students or the service delivery to students Current Student Roster (criteria 8.5) Staffing for Instructional Groupings (criteria 10.1) Teacher Roster (Special Education Teachers and Regular Education Teachers) (criteria 11.4) Master Staff Roster (criteria 11.6)</p>	
<p>Closure of a program Current Student Roster (criteria 8.5) Written notification sent to funding sources Written notification sent to parents/guardians Date program is expected to close Transition status/plan for all students currently enrolled regarding new placements sought/secured Student Record transfer plan for all students enrolled and for all prior students Weekly or monthly updates to ESE on the Transition status/plan for all students enrolled Weekly or monthly updates to ESE on the Student Record transfer plan for all students</p>	
<p>15 WORKING DAYS NOTIFICATION IS REQUIRED</p>	
<p>Each 10% decrease in enrollment of students based on the last approved ESE Program Budget Current Student Roster (criteria 8.5) Staffing for Instructional Groupings (criteria 10.1) Age Range (criteria 10.2) Teacher Roster (Special Education Teachers and Regular Education Teachers) (criteria 11.4) Related Services Staff (criteria 11.5) Master Staff Roster highlighting positions that have been temporarily eliminated or reduced due to decrease in student enrollment, but that still meet approved staff to student ratios (criteria 11.6) Number of students currently enrolled in the program Last approved Program Budget including number of students ESE has approved for enrollment</p>	
<p>Change in program's ownership Master Staff Roster (11.6) Organizational structure (criteria 11.9)</p>	
<p>Change in program's name Organizational structure (criteria 11.9)</p>	
<p>Vacanc(ies) in approved staff positions not filled by another appropriately licensed or waived staff person that have a direct impact on the service delivery to students Master Staff Roster (criteria 11.6) Notification letter sent to funding public school district(s) of students affected by vacanc(ies) Efforts school is making to fill vacanc(ies) Alternative methods for provision of services</p>	

Necessary Information Required for Form 1's:

PRIOR APPROVAL:

Required documentation for the monitoring criteria listed below can be found at
<http://www.doe.mass.edu/pqa/review/psr/instrument.doc>

<p>Changes to school building(s)/physical facilities that are not due to an emergency, but are related to relocation and/or expansion of building(s) Approvals, Licenses, Certificates of Inspection (criteria 2.2) EEC Licensure if applicable (criteria 2.3) Physical Facility/Architectural Barriers (criteria 13.4) Library/Resource Room (criteria 13.7) Expected date construction will begin and will be completed and the impact on students, if any Expected date of onsite visit from ESE liaison Written assurance that students will not use the building until the Form 1 is approved by ESE</p>	
<p>Changes made by the school to ESE required policies and procedures that result in continued adherence to regulatory requirements Copy of program's proposed policy clearly identifying all changes to ESE previously approved policy Criteria number in ESE monitoring booklet and/or regulation number Method of dissemination to parents/guardians and funding sources after new and/or revised policy is approved by ESE</p>	
<p>Request to increase or decrease the ages of the students being served Program and Student Description (the 1st 5 bullets of criteria 1.2) Staffing for Instructional Groupings (criteria 10.1) Age Range (criteria 10.2) Teacher Roster (Special Education Teachers and Regular Education Teachers) (criteria 11.4) Ages currently approved to serve Ages proposing/requesting to serve</p>	
<p>Request to change or add gender of students being served Program and Student Description (the 1st 5 bullets of criteria 1.2) Staffing for Instructional Groupings (criteria 10.1) Age Range (criteria 10.2) Teacher Roster (Special Education Teachers and Regular Education Teachers) (criteria 11.4) Genders currently approved to serve Genders proposing/requesting to serve</p>	
<p>Each 10% increase in enrollment of students based on the last approved ESE Program Budget Current Student Roster (criteria 8.5) Staffing for Instructional Groupings (criteria 10.1) Age Range (criteria 10.2) Teacher Roster (Special Education Teachers and Regular Education Teachers) (criteria 11.4) Related Services Staff Roster (criteria 11.5) Master Staff Roster highlighting additional positions required to meet approved staff to student ratios resulting from increased student enrollment (criteria 11.6) Description of physical facility including how it will accommodate an increase of enrolled students (criteria 13.2) Number of students currently enrolled in the program Last approved Program Budget including number of students ESE has approved for enrollment Number of students by which enrollment will increase</p>	
<p>Adding, eliminating, or changing staff positions Current Master Staff Roster (criteria 11.6) Proposed Master Staff Roster (criteria 11.6) Written notification that will be sent to funding sources once change has been approved by ESE</p>	

Form 1: Revised 1/10

Guidance for Completing Form 1: Notification/Request For Prior Approval of Substantial Changes Within A Private Special Education School Program

Form 1: Revised 1/10

The Department of Elementary and Secondary Education (“Department”) has developed this written guidance to private special education school programs in order to clarify reporting requirements for certain changes to its program(s) that are proposed and/or unexpected, as well as the supporting documentation that must be submitted with the Form 1. All private special education school programs seeking to make changes to its currently approved program(s) must complete a Form 1: Notification/Request For Prior Approval of Substantial Changes Within A Private Special Education School Program. All private special education school programs must attach a narrative description that directly pertains to the school’s notification or request for prior approval of the substantial change(s). The narrative must include a rationale for such change(s). All private special education school programs must submit the required documentation referenced on pages 2 and 3 of this form. The applicable monitoring criteria that relates to that required documentation can be found at <http://www.doe.mass.edu/pqa/review/psr/instrument.doc>. Please note that the checklist has been developed as a tool for your school program to use, but is not required to be completed by your school program. While the private special education school programs do not need to complete nor submit the checklist, it is recommended that all schools refer to the documentation requirements in order to determine the appropriate documentation that needs to be submitted with the Form 1. It is important for the school to submit any other information it believes justifies such request(s).

The Department is requiring private special education school programs to make immediate notification for the following:

- An unexpected building change as the result of an emergency. This means any changes to a building (school or residence) due to unexpected circumstances such as a fire or flood. It is important for the school to clearly and completely describe the change, the impact of the change on enrolled students, the school’s plan to address the change and to submit the required documentation indicated on page 2 of the checklist.
- A change in the program’s financial status that impacts either the health and safety of students or service delivery to students. If, due to changes in the financial status of a school, a school can no longer provide the required staffing to maintain appropriate supervision of students and/or provide services to students as specified on their IEP’s, it must make immediate notification to ESE and provide the required documentation indicated on page 2 of the checklist. The school must describe its current financial status and the manner in which it will address the financial issues as well as its written plan for ensuring the health and safety of students and/or provision of IEP services.
- Closure of a program. If, for whatever reason, a school needs to close suddenly or if a school is planning to close by a specified date, it must immediately notify ESE along with providing the required documentation on page 2 of the checklist. It is important for the school to develop and submit to ESE a written transition plan for all students enrolled in the school. This plan must include the school’s outreach and collaboration with sending public school districts and other funding sources and the steps the school will take to ensure all students transition smoothly to an appropriate, alternate placement.

The Department is requiring private special education school programs to notify within 15 working days of the following:

- Each time there is a 10% decrease in enrollment of students based upon the number of students to be served by the school as indicated on the last approved Program Budget. The school must describe how it is continuing to meet the needs of enrolled students and submit required documentation as indicated on page 2 of the checklist.
- A change in the program’s ownership. If another individual or agency will assume ownership of the program it is important for the school to describe how this transition will take place and (if any) the impact this change of ownership may have on the structure of the school, its staffing and/or service delivery to students. A master staff roster and an organizational chart clearly indicating any changes to the staffing and/or structure of the school must be submitted as indicated on page 2 of the checklist.
- A change in the program’s name. If the agency wishes to change the name of the program, the school must submit an organizational chart clearly indicating any changes to the staffing and/or structure of the school as indicated on page 2 of the checklist.
- Vacancies in approved staff positions not filled by another appropriately licensed or waived staff person that have a direct impact on the service delivery to students. It is important to note that notification must be made only if the vacancy results in students not receiving services as indicated on their IEP’s. The school must clearly describe its alternative methods for providing these services to students while attempting to fill any vacant positions. While the school is able to temporarily fill a vacant position with a substitute teacher, it must notify if substitute teachers are being

used and must continue to document its efforts to fill the position with an appropriately licensed staff person. Of additional note is that schools must notify the sending public school districts of staff vacancies only for those students affected by the vacancy and not receiving services as indicated on their IEP's. A master staff roster addressing any changes made to staffing of the school due to such a vacancy must be submitted as indicated on page 2 of the checklist.

The Department is requiring prior notification and approval for the following:

- Changes to school building(s)/physical facilities that are not due to an emergency, but are related to relocation and/or expansion of buildings. These changes represent changes to buildings/physical facilities that are planned and can include renovations to an existing building or constructing a new building. The school must submit all required documents as indicated on pages 2-3 of the checklist. It is important to note that the Department will thoroughly review this request along with all supporting documentation and will render an approval based upon the rationale provided and documentation submitted. Approval of this request will not result in any type of rate adjustment at the time of approval of the Form 1. If the school wishes to apply for approval of a rate adjustment directly resulting from a building change it may do so upon eligibility through the program reconstruction process. Approval of a Form 1 for building changes will not automatically result in approval of a reconstruction application. The Department reserves the right to review all changes made and the impact such building changes may have on the school's rate upon the school's submission of a program reconstruction application.
- Changes made by the school to Department- required policies and procedures that result in continued adherence to regulatory requirements. These changes represent changes to approved policies and procedures initiated by the school. Schools do not need to notify the Department of changes to existing policies and procedures that the Department is mandating. If a school determines that changes to an existing policy/procedures are necessary, it must clearly identify and outline any and all changes to its existing policy and submit a copy of the revised policy/procedures along with its Form 1 submission. The school must describe the anticipated impact the change will have on students (such as changes to behavior management policies and procedures) as well as staff (such as changes to personnel policies and procedures). The school must also describe its method of dissemination of the changes to any policies and procedures once approved. The school must inform the Department of its plan to communicate approved changes in policies and procedures to parents/guardians and funding sources.
- Request to increase or decrease the ages of the students being served. The school must submit all required documentation as indicated on page 3 of the checklist. It is important that the school fully describe in its Form 1 submission how it is prepared to meet the needs of *either younger or older students in terms of student groupings, staffing and curriculum.*
- Request to change or add gender of students being served. The school must submit all required documentation as indicated on page 3 of the checklist. The school must clearly describe any special provisions it must make in order to successfully accommodate and serve students of a different gender.
- Each time there is a 10% increase in enrollment of students based upon the number of students to be served by the school as indicated on the last approved Program Budget. The school must describe how it is continuing to meet the needs of enrolled students and submit required documentation as indicated on page 3 of the checklist. The Department must be informed of staff changes resulting from an increase in student enrollment and the school's plan for continuing to meet all approved student to staff ratios.
- Adding, eliminating or changing staff positions. The Department recognizes there may be a need for schools to make changes to staff positions in order to be able to meet the ongoing needs of students enrolled in the program. The school must provide a detailed rationale for any proposed changes in staffing and must submit all required documentation as indicated on page 3 of the checklist. It is important to note that the Department will thoroughly review this request along with all supporting documentation and will render an approval based upon the rationale and documentation submitted. Approval of this request will not result in any type of rate adjustment at the time of approval of the Form 1. If the school wishes to apply for approval of a rate adjustment directly resulting from changes to staffing, it may do so upon eligibility through the program reconstruction process. Approval of a Form 1 for changes to staffing will not automatically result in approval of a reconstruction application. The Department reserves the right to review any and all staffing changes made by the school and the impact such staffing changes may have on the school's rate upon the school's submission of a program reconstruction application. With its Form 1 submission, the school must also describe how it will provide written notification to all funding sources once the change in staffing has been approved

Form 1: Revised 1/10



Massachusetts Department of Elementary and Secondary Education
Program Quality Assurance Services

Form 2:
PUBLIC AND PRIVATE DAY OR RESIDENTIAL SCHOOL PROGRAM
INCIDENT REPORT

Directions: Complete Page 1 of this form. Attach a narrative description of 1) the specific incident described below, 2) the steps the school has taken to respond to this incident, and 3) the persons or agencies notified of such incident. Provide one incident report per student. Please review the "Checklist of Necessary Information for Incident Reports" on Pages 2 and 3 describing the documentation and action steps ESE expects for specified incidents.

Fax or send this Form 2 to: Director, Program Quality Assurance Services, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906 - Fax: 781-338-3710

Public/Private School Name: _____ Student's Name: _____
Address: _____
Name of Program: _____ ESE Program Code Number (4-Digit): _____
Program Contact Person: _____ Telephone: () _____
Address of Program: _____ E-mail Address of Contact Person: _____
[] Day School OR [] Residential School
[] Massachusetts Student OR [] Out-of-State Student
Name of Program Director: _____ Signature: _____

Date of this Incident Report: _____ Date of Incident: _____

Pursuant to applicable regulations and requirements this school is hereby providing immediate written notification to ESE

For Any Student (Massachusetts and Out-of -State Students):

- [] The death of any student (Contact your assigned PQA Liaison or the "Liaison of the Day" 781-338-3700)
[] The filing of a 51-A report with DCF OR a complaint filed with the Disabled Persons Protection Commission, against the school or a school staff member, for abuse or neglect of any student
[] Any action taken by a federal, state, or local agency that might jeopardize the school's approval with ESE
[] Any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students regardless of state of residency

For Massachusetts Students Only:

- [] 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
[] Massachusetts student injury resulting from a motor vehicle accident during transport by school staff (including contracted staff) which requires medical attention
[] Massachusetts student serious injury requiring emergency medical intervention resulting from a restraint
[] Massachusetts student run away
[] 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)
[] Any other incident of a serious nature that occurs to a Massachusetts student

NOTE: The school must also provide immediate written notification to the responsible school district and to the parent/guardian for any incident described above, for both Massachusetts and Out-of-State Students.

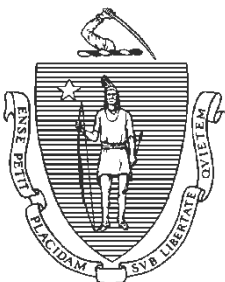
Public and Private School Staff Completing Page 1 of this form should review the “Checklist of Necessary Information for Incident Reports” below to ensure that information submitted to ESE is complete and that it responds to all incident reporting information requirements.

<p><u>Pages 2 and 3 to be completed by ESE only:</u></p> <p>INTERNAL RECORD OF</p> <p>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION ACTION:</p>	
<p>Incident Report Received by ESE on: _____ Incident Report Reviewed: _____</p>	
<p>ACTION TAKEN:</p>	
<p>____ Incident Report reviewed, and school’s action plan determined to be acceptable</p>	
<p>____ Follow-up telephone inquiry or e-mail contact with the program made on: _____</p>	
<p>____ Inquiry made by: _____ (Summary of telephone inquiry or e-mail contact attached.)</p>	
<p>____ Onsite visit pursuant to this report conducted on: _____ Conducted by: _____</p>	
<p>Site visit report and any notice of required corrective action issued to program on: _____ (Copy attached)</p>	
<p>_____ (Liaison, Program Quality Assurance Services)</p>	<p>_____ (Supervisor/Designee, Program Quality Assurance Services)</p>

Checklist of Necessary Information for Incident Reports:		
FOR ANY STUDENT		
<u>Required Documentation</u>	Received Acceptable	Not Submitted or Unacceptable
<p>Narrative description detailing the circumstances of the incident Must include events preceding incident, incident, and outcomes. Who? What? When? Where? How? Why?</p>		
<p>Specific procedure that staff followed is clearly described</p>		
<p>Required notifications provided Date, time and by whom. Examples: DCF, DPPC, EEC, ESE, Parents/Guardians, LEA, other involved agencies such as DMR and DMH</p>		
<p>Death of any student: Police/Coroner Investigation? Autopsy Report?</p>		
<p>The filing of a 51A report with DCF or a DPPC complaint alleging abuse or neglect of any student, against the school or a school staff member: Description of incident and actions taken by the school thus far, as well as actions planned to be taken by the school (school conducting investigation; DCF or DPPC conducting investigation; police investigating)? Copy of Internal Investigation Report? Copy of Police Report? Description of any disciplinary action the staff member received? Was the report screened in or out by DCF or DPPC? Copy of DCF or DPPC Report? Follow-up by school post investigation – were steps taken by school appropriate?</p>		
<p>Action taken that might jeopardize school’s approval with ESE OR Any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students: <u>Examples</u> include change in EEC licensure status, Intake frozen, Investigation by another state agency, complaints or ongoing concerns from sending public school districts; and the arrest of a staff member. Report describes incident and actions taken by the school thus far, as well as actions planned to be taken by the school? Investigation reports to determine outcome?</p>		
<p>Additional Information:</p>		
<p>Page 2 of 3, Form 2 revised 6/1/09</p>		
Checklist of Necessary Information for Incident Reports:		

FOR A MASSACHUSETTS STUDENT

<u>Required Documentation</u>	Received Acceptable	Not Submitted or Unacceptable
<p>Narrative description detailing the circumstances of the incident Must include events preceding incident, incident, and outcomes. Who? What? When? Where? How? Why?</p>		
<p>Specific procedure that staff followed is clearly described</p>		
<p>Required notifications provided Date, time and by whom? Examples: DCF, DPPC, EEC, ESE, Parents/Guardians, LEA, other involved agencies such as DMR and DMH</p>		
<p>Out-patient emergency room visit or hospitalization of a Massachusetts student as a result of physical illness or injury; OR injury of a Massachusetts student during school-related motor vehicle accident that required medical attention; OR serious injury requiring emergency medical intervention as a result of a restraint: What hospital was student taken to? Who transported the student to the hospital? Who went with student? Did this individual stay with student at hospital? Will student return to the program? If yes, when? If no, where and why? Termination procedures followed? Was needed medical treatment sought promptly? Additionally, if motor vehicle accident – Were the details of the accident provided, including numbers of students and staff in the motor vehicle, circumstances under which the accident occurred, condition of the individuals involved in the accident? Copy of police report? Drivers license information of staff member? Transportation training of staff member? Any follow-up conducted by the school regarding details of the accident being communicated to the school community?</p>		
<p>Whenever a Massachusetts student runs away: What were the circumstances of the runaway (on independent time; climbed out window without knowledge of staff)? If known, when did student return? Where was student found and by whom? If did not return notification of liaison by phone of the details Staff to student ratio – what was staff assigned to student doing at the time of the runaway? What precautions were taken for student to return to school (hospital screening, time out space, restrictions at school, re-entry plan)? What specific steps the school will take to prevent future runaway occurrences?</p>		
<p>Emergency termination of a Massachusetts student consistent with 603 CMR 28.09(12)(b) and 18.05(7)(d): Description of clear and present danger? Written termination summary explaining the reasons for emergency termination? Efforts the school has made to maintain the student until the LEA is able to locate an appropriate placement? Copy of written termination notification sent to the school district/parent?</p>		
<p>Any other incident of a serious nature that occurs to a Massachusetts student: Examples include police involvement, community involvement and media coverage. Report describes incident and actions taken by the school thus far, as well as actions planned to be taken by the school? Investigation reports to determine outcome?</p>		
<p>Additional Information:</p>		



Massachusetts Department of Elementary and Secondary Education

13 Re-Approval Procedures for Existing Approved Massachusetts Private Day or Residential Special Education School Programs

Physical Restraint Report
603 CMR 46.06(5)

This report is required to be submitted to the Department of Elementary and Secondary Education, Director of Program Quality Assurance Services, by a publicly funded education Day Program (Public or Private) after 1) physical restraint of a Massachusetts student lasting longer than twenty (20) minutes or 2) physical restraint of a Massachusetts student that results in serious injury requiring emergency medical intervention to a student or staff member. This report must be sent to the ESE within five (5) school working days of such a restraint.

IDENTIFYING INFORMATION:

Name of School District, Charter School, Educational Collaborative or Approved Private Special Education Day Program:

Name of Student: _____ Date of restraint: _____

Date of birth: _____ Age: _____ Gender: M / F _____ Grade level: _____

Does student currently receive special education services? Yes: No:

Date of this report: _____ Site of restraint: _____

This report prepared by: _____ Position: _____

Address: _____ Telephone: () _____

Staff administering restraint:

Name: _____ Title: _____ Completed in-depth restraint training program:
No Yes

Name of restraint methodology: _____

Name: _____ Title: _____ Received prior restraint training: Yes No

Observers (if any):

Name: _____ Title: _____

Name: _____ Title: _____

Administrator who was verbally informed following the restraint:

Name: _____ Title: _____

Reported by: _____ Title: _____

Parent who was informed of this restraint:

Name: _____ Telephone: () _____

Called by: _____ Title: _____

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PRECIPITATING ACTIVITY:

Thorough description of activity in which the restrained or other students were engaged immediately preceding use of

physical restraint:

Behavior that prompted and justified the restraint:

Thorough description of efforts made to deescalate and alternatives to restraint that were attempted:

DESCRIPTION OF PHYSICAL RESTRAINT:

Justification for initiating physical restraint (*check all that apply*):

- Non-physical interventions were not effective
- To protect student from imminent, serious, physical harm
- To protect other student/staff from imminent, serious, physical harm
- To implement necessary restraint in accordance with the student's IEP or other written plan (*describe pertinent provisions of the IEP or other written plan*):

Describe holds used and why such holds were necessary:

Student's behavior and reaction during restraint:

Time restraint began: _____ Time restraint ended: _____

CESSATION OF RESTRAINT:

How restraint ended (*check all that apply*):

- Determination by staff member that student was no longer a risk to himself or others
- Intervention by administrator(s) to facilitate de-escalation
- Law enforcement personnel arrived
- Staff sought medical assistance
- Other (*describe*)

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Description of any injury to student and/or staff and any medical or first aid care provided:

Incident report was filed with the following school district official: _____.

FOR EXTENDED RESTRAINTS (beyond twenty (20) minutes):

Alternatives to extended restraint that were attempted:

Outcome of those efforts:

Justification for administering extended restraint:

FURTHER ACTION TO BE TAKEN: (Attach separate page if necessary.)

The school will take the following action and/or disciplinary sanctions (*check as many as apply*):

- Review incident with student to address behavior that precipitated the restraint.
- Review incident with staff to discuss whether proper restraint procedures were followed.
- Consider whether follow-up is necessary for students who witnessed the incident.
- Conduct a local investigation of any complaint regarding this restraint (*describe investigation procedures*):
- Disciplinary action/sanctions taken by the program (*describe*):
- Contact with parents, responsible school district, other state agency (*describe*):

PARENT/GUARDIAN NOTIFICATION (*required for all reported restraints*):

Verbally informed of physical restraint on _____ by teacher/administrator/other or documented attempts to contact verbally (*describe*):

Written report sent within 3 school working days of administration of restraint to parent/guardian on _____ by _____ (*teacher/administrator/other*) at the following address:

Sent in native language of the parent/guardian (*language*): _____

Parent/guardian was offered opportunity to discuss the administration of physical restraint and/or disciplinary sanctions with teacher/administrator. Results of discussion (*Attach separate page if necessary*):

The required copy of the log of all physical restraints for all students in this Day Program is attached to this report for ESE review. This record of physical restraints is required to be maintained by the Day Program Administrator or Principal for the 30-calendar day period prior to date of this reported restraint. The log must indicate dates of each restraint, student initials and length of each restraint.