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| ESE Logo |  | **Nashoba Valley Technical School District****COORDINATED PROGRAM REVIEW****REPORT OF FINDINGS****Dates of Onsite Visit:** **December 6-8, 2016****Date of Draft Report:** **March 17, 2017****Date of Final Report: May 25, 2017****Action Plan Due: June 23, 2017****Department of Elementary and Secondary Education Onsite Team Members:****Tom Hidalgo, Office of Public School Monitoring (PSM) Chair****Jayme Szymczak, PSM****Lawrence DeSalvatore, Jr., Office for College, Career and Technical Education (OCCTE) Chair****Lisa Weinstein, OCCTE****David Edmonds, Safety Specialist, OCCTE****Sara Nino, Office of English Language Acquisition and Academic Achievement (OELAAA) Chair** |
|  |  | **Mitchell D. Chester, Ed.D.** **Commissioner of Elementary and Secondary Education**  |
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Nashoba Valley Technical School District**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Nashoba Valley Technical School District**

**SCOPE OF COORDINATED PROGRAM REVIEWS**

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through the Coordinated Program Review (CPR). All reviews cover selected requirements in the following areas:

Special Education (SE)

* selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education’s Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007. The 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

Civil Rights Methods of Administration and Other General Education Requirements (CR)

* selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
* selected requirements from the Massachusetts Board of Education’s Physical Restraint regulations (603 CMR 46.00).
* selected requirements from the Massachusetts Board of Education’s Student Learning Time regulations (603 CMR 27.00).
* various requirements under other federal and state laws.
* The 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

English Learner Education (ELE) in Public Schools

* selected requirements from M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students, and 603 CMR 14.00, as well as the No Child Left Behind Act of 2001 and Title VI of the Civil Rights Act of 1964. During the 2016 - 2017 school year, all districts that enroll limited English proficient students will be reviewed using a combination of updated standards and a self-assessment instrument overseen by the Department’s Office of Language Acquisition and Academic Achievement (OELAAA), including a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

College, Career and Technical Education (OCCTE)

* college, career and technical education programs under the federal Carl D. Perkins Vocational and Technical Education Act of 1998 and M.G.L. c. 74.

Districts providing Title I services participate in Title I program monitoring during the same year they are scheduled for a Coordinated Program Review. Details regarding the Title I program monitoring process are available at: <http://www.doe.mass.edu/titlei/monitoring>.

**COORDINATED PROGRAM REVIEW ELEMENTS**

**Team:** Depending upon the size of a school district and the number of programs to be reviewed, a team of one to eight Department staff members conducts onsite activities over two to five days in a school district or charter school.

**Timing:** Each school district and charter school in the Commonwealth is scheduled to receive a Coordinated Program Review every six years and a mid-cycle special education follow-up visit three years after the Coordinated Program Review; approximately 66 school districts and charter schools are scheduled for Coordinated Program Reviews in 2016 - 2017, of which all districts participated in the Web-based Monitoring System (WBMS). The Department’s

 2016 - 2017 schedule of Coordinated Program Reviews is posted on the Department’s web site at <<<http://www.doe.mass.edu/pqa/review/cpr/schedule.html>>>.  The statewide six-year Program Review cycle, including the Department’s Mid-cycle follow-up monitoring schedule, is posted at <<<http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html>>>.

**Criteria:** The Program Review criteria for each WBMS review, begins with the district/school conducting a self-assessment across all 56 current special education criteria and 26 civil rights criteria. The Office of Public School Monitoring through its Desk Review procedures examines the district/school’s self-assessment submission and determines which criteria will be followed–up on through onsite verification activities. For more details, please see the section on **The Web-based Approach to** **Special Education and Civil Rights Monitoring** at the beginning of the School District Information Package for Special Education and Civil Rights.

The requirements selected for review in all of the regulated programs are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993 to promote student achievement and high standards for all students.

**WBMS Methods:** Methods used in reviewing special education and civil rights programs include:

Self-Assessment Phase:

* District/school review of special education and civil rights documentation for required elements including document uploads. Upon completion of this portion of the district/school’s self-assessment, it is submitted to the Department for review.
* District/school review of a sample of special education student records selected across grade levels, disability categories and level of need. Additional requirements for the appropriate selection of the student record sample can be found in **Appendix II: Student Record Review Procedures** of the School District Information Package for Special Education.

Upon completion of these two portions of the district/school’s self-assessment, it is submitted to the Department for review.

On-site Verification Phase: Includes activities selected from the following;

* Interviews of administrative, instructional, and support staff consistent with those criteria selected for onsite verification.
* Interviews of parent advisory council (PAC) representatives and other telephone interviews, as requested, by other parents or members of the general public.
* Review of student records for special education: The Department may select a sample of student records from those the district reviewed as part of its self-assessment, as well as records chosen by the Department from the special education student roster. The onsite team will conduct this review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
* Surveys of parents of students with disabilities: Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the district’s implementation of special education programs, related services, and procedural requirements.
* Observation of classrooms and other facilities: The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.
* Review of additional documents for special education or civil rights.

**Methods for all other programs in the Coordinated Program Review:**

* Review of documentation about the operation of the charter school or district's programs.
* Interviews of administrative, instructional, and support staff across all grade levels.
* Telephone interviews as requested by other parents or members of the general public.
* Review of student records for English learner education and college, career and technical education:  The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
* Surveys of parents of English learners whose files are selected for the record review are sent a survey of their experiences with the district's implementation of the English learner education program and related procedural requirements.
* Observation of classrooms and other facilities: The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

**Report:** **Preparation:**

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its comments for the superintendent or charter school leader and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson will forward to the superintendent or charter school leader (and collaborative director where applicable) a Draft Report containing comments from the Program Review. The Draft Report comments for special education and civil rights are provided to the district/school on-line through the Web-based Monitoring System (WBMS). These comments will, once the district has had a chance to respond, form the basis for any findings by the Department. The district (and collaborative) will then have 10 business days to review the report for accuracy before the publication of a Final Report with ratings and findings (see below). The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department’s website at <<http://www.doe.mass.edu/pqa/review/cpr/reports/>>.

**Content of Final Report:**

*Ratings.* In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are “Commendable,” “Implemented,” “Implementation in Progress,” “Partially Implemented,” “Not Implemented,” and “Not Applicable.” “Implementation in Progress,” used for criteria containing new or updated legal requirements, means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

*Findings.* The onsite team includes a finding in the Final Report for each criterion that it rates “Commendable,” “Partially Implemented,” “Not Implemented,” or “Implementation in Progress,” explaining the basis for the rating. It may also include findings for other related criteria.

**Response:** Where criteria are found “Partially Implemented” or “Not Implemented,” the district or charter school must propose corrective action to bring those areas into compliance with the relevant statutes and regulations.  This corrective action plan (CAP) will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department’s review and approval. Department staff will offer districts and charter schools technical assistance on the content and requirements for developing an approvable CAP.

Department staff will also provide ongoing technical assistance as the school or district is implementing the approved corrective action plan. **School districts and charter schools must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department’s Final Program Review Report.**

# **INTRODUCTION TO THE FINAL REPORT**

#

A six-member Massachusetts Department of Elementary and Secondary Education team visited

Nashoba Valley Technical School District during the week of December 5, 2016, to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, college, career and technical education and English learner education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district.

The Department is submitting the following Coordinated Program Review Report containing findings made pursuant to this onsite visit. In preparing this report, the team reviewed extensive written documentation regarding the operation of the district's programs, together with information gathered by means of the following Department program review methods:

* Interviews of 12 administrative staff.
* Interviews of 48 teaching and support services staff across all levels.
* Interview of one parent advisory council (PAC) representative.
* Interviews of 20 students in the college, career and technical education program.
* Student record reviews: Samples of 31 special education student records and 20 college, career and technical education student records were selected by the Department. These student records were first examined by local staff, whose comments were then verified by the onsite team using standard Department record review procedures. There were no English learner education student records to review.
* Surveys of parents of students with disabilities: 50 parents of students with disabilities were sent surveys that solicited information about their experiences with the district’s implementation of special education programs, related services and procedural requirements. Eleven of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
* Surveys of parents of ELE students: There were no ELE parent surveys sent.
* Observation of classrooms and other facilities. A sample of 20 instructional classrooms and other school facilities used in the delivery of programs and services was visited to examine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are:

**Component I: Assessment of Students**

**Component II: Student Identification and Program Placement**

**Component III: Parent and Community Involvement**

**Component IV: Curriculum and Instruction**

**Component V: Student Support Services**

**Component VI: Faculty, Staff and Administration**

**Component VII: Facilities**

**Component VIII: Program Evaluation**

**Component IX: Recordkeeping and Fund Use**

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| The district conducted a self-assessment and the Department reviewed all of the criteria in the specific program areas. The Coordinated Program Review Report includes those criteria that were found by the team to be implemented in a “Commendable” manner, as well as criteria receiving a rating of "Partially Implemented," "Not Implemented," or “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) **Program Review Reports no longer include criteria receiving a rating of “Implemented” or “Not Applicable.”** This change will allow the district and the Department to focus their efforts on those areas requiring corrective action. For those criteria receiving a rating of “Partially Implemented” or “Not Implemented,” the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. For any criteria receiving a rating of “Implementation in Progress,” the district must indicate the steps the district will continue to take in order to fulfill the regulatory requirements. Districts are expected to incorporate the corrective actions into their district and school improvement plans, including their professional development plans. |

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| **DEFINITION OF COMPLIANCE RATINGS** |
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| **Commendable** | Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation. |
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| **Implemented** | The requirement is substantially met in all important aspects. |
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| **Implementation in Progress** | This rating is used for criteria containing new or updated legal requirements and means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year. |
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| **Partially Implemented** | The requirement, in one or several important aspects, is not entirely met. |
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| **Not Implemented** | The requirement is totally or substantially not met. |
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| **Not Applicable**  | The requirement does not apply to the school district or charter school. |

Nashoba Valley Technical School District

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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| --- | --- | --- | --- | --- |
|  | **Special Education** | **Civil Rights and Other General Education Requirements** | **English Learner Education** | **College, Career and Technical****Education** |
| **IMPLEMENTED** | SE 1, SE 2, SE 4, SE 5, SE 6, SE 9A, SE 10, SE 12, SE 13, SE 15, SE 19, SE 20, SE 21, SE 22, SE 25, SE 25B, SE 26, SE 27, SE 29, SE 32, SE 33, SE 34, SE 35, SE 36, SE 40, SE 41, SE 43, SE 44, SE 45, SE 46, SE 47, SE 48, SE 49,SE 50, SE 51, SE 52, SE 52A, SE 53, SE 54, SE 55, SE 56, SE 59 | CR 3, CR 6, CR 7, CR 7A, CR 7B, CR 7C, CR 8, CR 9,CR 10, CR 10A, CR 11A, CR 12A, CR 13, CR 14, CR 15, CR 16, CR 18, CR 18A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25, CR 26A | ELE 3, ELE 10 | CVTE 1, CVTE 2,CVTE 3, CVTE 4,CVTE 7, CVTE 8,CVTE 9a, CVTE 9b, CVTE 11, CVTE 12, CVTE 13,CVTE 15, CVTE 18,CVTE 19, CVTE 22,CVTE 23, CVTE 24,CVTE 25  |
| **PARTIALLY****IMPLEMENTED** | SE 3, SE 3A, SE 7, SE 8, SE 9, SE 11, SE 14, SE 18A, SE 18B, SE 24 | CR 10B, CR 10C |  | CVTE 5, CVTE 6, CVTE 10, CVTE 20,CVTE 21 |
| **NOT IMPLEMENTED** | SE 25A | CR 17A |  |  |
| **NOT APPLICABLE** | SE 16, SE 17, SE 37, SE 38, SE 39A, SE 39B, SE 42 |  | ELE 1, ELE 2,ELE 4, ELE 5, ELE 6, ELE 7, ELE 8, ELE 9, ELE 11, ELE 12, ELE 13, ELE 14, ELE 15, ELE 16, ELE 17, ELE 18 | CVTE 14,CVTE 16, |

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| **SPECIAL EDUCATION** **LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 3** | Special requirements for determination of specific learning disabilityWhen a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement. |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.8(c)(10); 300.311 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that when a student suspected of having a specific learning disability is evaluated, the Team does not consistently create a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 3A** | **Special requirements for students on the autism spectrum**Whenever an evaluation indicates that a child has a disability on the autism spectrum, which includes autistic disorder [autism], Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rhett's Syndrome as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000), the IEP Team shall consider and shall specifically address the following: 1) the verbal and nonverbal communication needs of the child; 2) the need to develop social interaction skills and proficiencies; 3) the needs resulting from the child's unusual responses to sensory experiences; 4) the needs resulting from resistance to environmental change or change in daily routines; 5) the needs resulting from engagement in repetitive activities and stereotyped  movements; 6) the need for any positive behavioral interventions, strategies, and supports to  address any behavioral difficulties resulting from autism spectrum disorder;7) and other needs resulting from the child's disability that impact progress in the  general curriculum, including social and emotional development.Please see additional guidance at:Technical Assistance Advisory SPED 2007-1:Autism Spectrum Disorderhttp:www.doe.mass.edu/sped/advisories/07\_1ta.html# |
|  | State Requirements | Federal Requirements |
|  | Chapter 57 of the Acts of 2006, amends M.G.L. c. 71B, section 3 | 34 CFR 300.8(c)(1)(i) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that for a student with a disability on the autism spectrum, the Team does not consistently consider and specifically address in the IEP the required areas including: the verbal and nonverbal communication needs of the student; the need to develop social interaction skills and proficiencies; the needs resulting from the student's unusual responses to sensory experiences; the needs resulting from resistance to environmental change or change in daily routines; the needs resulting from engagement in repetitive activities and stereotyped movements; the need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder; and other needs resulting from the student's disability that impact progress in the general curriculum, including social and emotional development.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 7** | Transfer of parental rights at age of majority and student participation and consent at the age of majority1. At least one year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student’s 18th birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old.
2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student with decision-making authority to continue the student’s special education program.
3. The district continues to send the parent written notices and the parent will have the right to inspect the student’s records, but the parent will no longer have decision-making authority, except as provided below:
	1. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
	2. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student’s choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.
	3. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.07(5) | 34 CFR 300. 320(c), 300.520 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that the school district does not consistently implement procedures to obtain consent from students who have reached the age of 18 to continue their special education program.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 8** | IEP Team composition and attendanceThe following persons are members of the IEP Team and may serve in multiple roles:1. The child´s parents.
2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.
3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson).
	1. If the student *may* be involved in a regular education program, a regular education teacher. If the student *is* involved in a regular education program, a regular education teacher of the student.
	2. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student.
4. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses.
5. Other individuals at the request of the student's parents.
6. Reserved
7. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 - 4 above.
8. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education.
9. When one purpose of the Team meeting is to discuss transition services, with the consent of the parent(s) or student who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
10. Reserved
11. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.
12. Members of the Team attend Team meetings unless:
	1. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR
	2. the district and the parent agree, in writing, that the attendance of the Team member is not necessary because the member´s area of the curriculum or related services is not being modified or discussed OR
	3. the district and the parent agree, in writing, to excuse a required Team member´s participation and the excused member provides written input into the development of the IEP to the parent and the IEP Team prior to the meeting.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.02(21). Part 1 of this criterion is related to State Performance Plan Indicator 8. Parts 5, 10, are related to Performance Plan Indicators 13 and 14. (See <http://www.doe.mass.edu/sped/spp/>.) | 34 CFR 300.116(a), 300.321, 300.328.See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, to State Question #22 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that Team members are frequently absent from Team meetings without being excused and without providing written input to the parent and the Team prior to the meeting. Additionally, when one purpose of the Team meeting is to discuss transition services, the district does not always invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| SE 9 | Timeline for determination of eligibility and provision of documentation to parentWithin forty‑five (45) school working days after receipt of the parent's written consent to an initial evaluation or a re‑evaluation, the school district determines whether the student is eligible for special education and provides to the parent either a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility. |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(1); 28.06(2)(e) |  |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that the school district does not always determine whether a student is eligible for special education and provide to the parent a proposed IEP and placement within 45 school working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 11** | School district response to parental request for independent educational evaluationIf a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student are to be justified when an individual assessment rate is higher than that normally allowed.
2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district.
3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.
4. If the parent is requesting an independent education evaluation in an area not assessed by the school district, the student does not meet income eligibility standards or the family chooses not to provide financial documentation to the school district establishing family income level, the school district shall respond in accordance with the requirements of federal law. Within five school days, the district shall either agree to pay for the independent education evaluation or, proceed to the Bureau of Special Education Appeals (BSEA) to show that its evaluation was comprehensive and appropriate. If the Bureau of Special Education Appeals finds that the school district’s evaluation was comprehensive and appropriate, then the school district shall not be obligated to pay for the independent educational evaluation requested by the parent.
5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator’s report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.
6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(5) | 34 CFR 300.502 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the district has not developed procedures for requesting an independent educational evaluation (IEE) to include: 1) the qualifications of persons who provide publicly funded IEEs and the provisions regarding the rates set by the state agency responsible for setting such rates; 2) justifying an individual assessment rate which is higher than that normally allowed; 3) options for parent participation in an income eligibility program for free or reduced costs; 4) the right to a publicly funded IEE for sixteen months, consistent with state law; 5) the requirement, within 5 school days, of paying for the IEE or proceeding to the BSEA when the parent requests an evaluation in an area not assessed by the district, the student does not meet income eligibility requirements, or the parent chooses not to share financial documentation regarding income eligibility; 6) the completion of the IEE into a report no later than 30 days from the date of the parent request, when possible; 7) the content of the IEE report to include a written summary of procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student; and 8) convening a Team to consider the results of the IEE within 10 school days of receiving the IEE report.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 14** | Review and revision of IEPs1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student’s progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.
2. The IEP Team reviews and revises the IEP to address any lack of expected progress towards the annual goals and in the general curriculum.
3. Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student’s IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(3) | 34 CFR 300.324(a)(4), (6) and (b) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that the district does not consistently conduct a Team meeting at least annually, on or before the anniversary date of the IEP, to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 18A** | IEP development and content1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting.
2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.
3. The school district ensures that the IEP will not be changed outside of the Team meeting.
4. Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.
5. For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(3); G.L.c. 71 B, section 3, as amended by Chapter 92 of the Acts of 2010 | IDEA-97: 34 CFR Part 300, Appendix A, Question #22 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that the IEP Team does not always address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing for students identified with a disability on the autism spectrum.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| SE 18B | Determination of placement; provision of IEP to parent1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student’s IEP.
2. Unless the student’s IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education.
3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.
4. Reserved
5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(6) and (7); 28.06(2) | 34 CFR 300.116; 300.325 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review and interviews indicated that the district does not consistently provide the parent with two copies of the proposed IEP and proposed placement along with the required notice, immediately following the development of the IEP.* |

| **CRITERION****NUMBER** | SPECIAL EDUCATION**III. PARENTAL INVOLVEMENT** |
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|  | **Legal Standard** |
| **SE 24** | Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development.
2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the student's parent(s) within 5 school days of receipt of the referral, along with the district’s notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student’s skills or abilities and to consult regarding the evaluators to be used.
3. For all other actions, the district gives notice complying with federal requirements within a reasonable time.
4. The school district provides the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation.
5. The district provides parents with an opportunity to consult with the Administrator of Special Education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments
6. The school district does not limit a parent’s right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district’s curriculum accommodation plan, including any pre-referral program.
7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student’s development.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 71B, § 3; 603 CMR 28.04(1) | 34 CFR 300.503; 300.504(a)(1) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicated that the Notice of Proposed School District Action (N1) the district sends to parents is not specific to the individual student and does not address the following elements: a description of the action proposed or refused by the agency; an explanation of why the agency proposed or refused to take the action; a description of any other options that the agency considered and the reasons why those options were rejected; a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposal or refused action; and a description of any other factors that were relevant to the agency's proposal or refusal.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 25A** | Sending of copy of notice to Special Education AppealsWithin five (5) calendar days of receiving a notice that a parent is requesting a hearing or has rejected an IEP, proposed placement, or finding of no eligibility for special education, the school district sends a copy of the notice to the BSEA. |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.08(3)(b) |  |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Record review indicated that the district does not notify the BSEA within five (5) calendar days after a parent has rejected an IEP, proposed placement, or finding of no eligibility for special education.* |

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| **CIVIL RIGHTS** **METHODS OF ADMINISTRATION (CR)** **AND** **OTHER RELATED GENERAL EDUCATION REQUIREMENTS****LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 10B | Bullying Intervention and Prevention1. Public schools (including charter schools and collaboratives) must update school handbooks to conform to their updated amended Bullying Prevention and Intervention Plan (Plan). The school handbook (and local updated Plan) must be consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. The amendments extend protections to students who are bullied by a member of the school staff. As defined in G.L. c. 71, 37O, as amended, a member of the school staff includes, but is not limited to, an “educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.” The school handbook must make clear that a member of the school staff may be named the “aggressor” or “perpetrator” in a bullying report.
2. School and district employee handbooks must also contain relevant sections of the amended Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students by a school staff member.
3. Each year all school districts and schools must give parents and guardians annual written notice of the student-related sections of the local Plan.
4. Each year all school districts and schools must provide all staff with annual written notice of the Plan.
5. All schools and school districts must implement, for all school 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.
 |
|  | M.G.L. c. 71, s. 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L. c. 71, s. 37O(e)(1) & (2). M.G.L. c. 71, s. 370(d), as amended. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the district has not updated its Bullying Prevention and Intervention Plan to identify staff as potential "aggressors" or "perpetrators" of bullying.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 10C | Student DisciplineEach school committee and board of trustees shall ensure that policies and procedures are in place in public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L.c. 71, section 37H ¾, M.G.L.c. 76, section 21, and 603 CMR 53.00. These policies and procedures must address or establish, but are not limited to:1. The notice of suspension and hearing;
2. Procedures for emergency removal;
3. Procedures for principal hearings for both short and long-term suspension;
4. Procedures for in-school suspension;
5. Procedures for superintendent hearing;
6. Procedures for education services and academic progress (School-wide Education Service Plan);
7. A system for periodic review of discipline data by special populations;
8. Alternatives to suspension.
 |
|  | M.G.L.c. 71, section 37H ¾, M.G.L.c. 76, section 21, and 603 CMR 53.00, M.G.L.c. 71 section 38R and Chapter 77 of the Acts of 2013. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the district's procedures for long-term suspension do not address all of the content required in the written determination, including the date of the hearing, the participants, and key facts and conclusions of the hearing.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 17A | Use of physical restraint on any student enrolled in a publicly-funded education program1. Public education programs must develop and implement written restraint prevention and behavior support policy and procedures consistent with new regulations 603CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.
	1. restraint prevention and behavior support policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students.
	2. restraint prevention and behavior support policy and procedures shall include, but not be limited to: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents and youth in discussions about restraint prevention and use; a description and explanation of the program’s alternatives to physical restraint and method of physical restraint in emergency situations; a statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.03; a description of the program’s training requirements, reporting requirements, and follow-up procedures; a procedure for receiving and investigating complaints; a procedure for conducting periodic review of data and documentation on the program’s use of restraint; a procedure for implementing the reporting requirements; a procedure for making both oral and written notification to the parent; and a procedure for the use of time-out.
2. Each principal or director shall determine a time and method to provide all program staff with training regarding the program’s restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.
3. At the beginning of each school year, the principal of each public education program or his/her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall have in-depth training on the use of physical restraint.
4. The program administers physical restraint on students only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.
 |
|  | M.G.L. c. 71, § 37G; 603 CMR 46.00 effective January 1, 2016 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the district's written physical restraint prevention and behavior support policy and procedures have not been updated consistent with the requirements for the implementation of 603 CMR 46.00, effective January 1, 2016.* |

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| **COLLEGE, CAREER AND TECHNICAL EDUCATION****LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

| **CRITERION NUMBER** |  |
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|  | Legal Standard |
| CVTE 5 | All individuals including those who are members of special populations are provided with equal access to college, career and technical education programs, services and activities and are not discriminated against on the basis of their status as members of special populations or race, color, gender, gender-identity, religion, national origin, English language proficiency, disability, or sexual orientation. *Perkins Sections 122 & 134, Vocational Technical Education Regulations 603 CMR 4.03(4) (6) (7), M.G.L.c.76, Section 5.* |
|  | **References:**Carl D. Perkins Career & Technical Education Improvement Act of 2006 at <http://www.doe.mass.edu/cte/perkins/>Massachusetts Perkins IV Manual at <http://www.doe.mass.edu/cte/perkins/>Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at <http://www.doe.mass.edu/cte/laws.html>Chapter 74 Manual for Vocational Technical Education Admission Policies at <http://www.doe.mass.edu/cte/admissions/>Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (34 CFR, Part 100, Appendix B) at <http://www.doe.mass.edu/cte/admissions/>Massachusetts Special Education Regulations 603 CMR 28.10 (6) (c) at <http://www.doe.mass.edu/lawsregs/603cmr28.html?section=all#start>Massachusetts General Law Chapter 76, Section 5 at <http://www.mass.gov/legis/laws/mgl/gl-pt1-toc.htm>Massachusetts Access to Equal Educational Opportunity Regulations 603 CMR 26.00 at <http://www.doe.mass.edu/lawsregs/603cmr26.html> |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review found no evidence that the school discriminates against students on the basis of their status as members of special populations or race, color, gender, gender identity, religion, national origin, English language proficiency, disability, or sexual orientation with respect to their access to career/vocational technical education programs. Nonetheless, interviews indicated that technical education teachers are not afforded the resources or training necessary to meet the needs of all students with disabilities.* |

| **CRITERION NUMBER** |  |
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|  | Legal Standard |
| **CVTE 6** | *(Note: This criterion applies only to Chapter 74-approved vocational technical education*.)The district uses its Department-approved admission policy and an appropriate application for admission. *Vocational Technical Education Regulations 603 CMR 4.03(6). M.G.L. c. 76 Section 5.* |
|  | **References:**Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at <http://www.doe.mass.edu/cte/laws.html>Chapter 74 Manual for Vocational Technical Education Admission Policies at <http://www.doe.mass.edu/cte/admissions/>Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap in Vocational Education Programs (34 CFR, Part 100, Appendix B at <http://www.doe.mass.edu/cte/admissions/>Massachusetts Special Education Regulations 603 CMR 28.10 6) (c) at <http://www.doe.mass.edu/lawsregs/603cmr28.html?section=all#start>Massachusetts General Law Chapter 76, Section 5 at <http://www.mass.gov/legis/laws/mgl/gl-pt1-toc.htm>Massachusetts Access to Equal Educational Opportunity Regulations 603 CMR 26.00 at <http://www.doe.mass.edu/lawsregs/603cmr26.html> |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews with staff and students indicated that the district adheres to its admissions policy with respect to accepting students into Nashoba Valley Technical School District.* *Document review and interviews also suggest, however, that the district does not follow its admissions policy when assigning students to technical programs. The district’s practice in recent years has been to provide all students with their first choice of programs after Freshman Exploratory, which is certainly permitted, but in doing so, the district has failed to implement its stated admissions policy to rank**Exploratory students for the purpose of assigning them to technical programs.* |

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| **CRITERION NUMBER** |  |
|  | Legal Standard |
| CVTE 10 | Representatives of business/industry; organized labor (union); colleges(s); parent(s)/guardian(s); student(s); representative(s) from registered apprenticeship program(s) (only required if the occupational field of the program has a registered apprenticeship program) are involved in the development, implementation, and review of college, career and technical programs. Representation is race, linguistic, disability, and nontraditional by gender inclusive, and if not, there is a plan (formal recruitment process)to make it inclusive. *Perkins Section 134, M.G.L. c.74 Section 6, Vocational Technical Education Regulations 603 CMR 4.03 (1)* |
|  | **References:**Carl D. Perkins Career & Technical Education Improvement Act of 2006 at <http://www.doe.mass.edu/cte/perkins/>Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at <http://www.doe.mass.edu/cte/laws.html>Career/Vocational Technical Education Advisory Committee Guide at <http://www.doe.mass.edu/cte/resources/>Massachusetts Perkins IV Manual at <http://www.doe.mass.edu/cte/perkins/> |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that most program advisory committees include all required members and are demographically diverse. Furthermore, the district has adopted and implemented a formal recruitment plan to ensure inclusivity and required representation.**However, the Carpentry Program Advisory Committee does not include representation from organized labor.* |

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| **CRITERION NUMBER** |  |
|  | **Legal Standard** |
| **CVTE 20** | College, career and technical education instructional facilities meet current occupational standards. *Perkins Section 134; Vocational Technical Education Regulations 603 CMR 4.03 (3) (4) (7)(8).* Each vocational technical education program shall be conducted in facilities that meet current occupational standards. *603 CMR 4.03 (3)(a)* |
|  | **References:**Carl D. Perkins Career & Technical Education Improvement Act of 2006 at<http://www.doe.mass.edu/cte/perkins/>Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at <http://www.doe.mass.edu/cte/laws.html>Career/Vocational Technical Education Safety Guide at <http://www.doe.mass.edu/cte/safety/guide.doc> NIOSH Safety Checklist Program for Schools at<http://www.doe.mass.edu/cte/safety_health.html>Chapter 74 Manual for Vocational Technical Cooperative Education at<http://www.doe.mass.edu/cte/programs/> |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and an instructional facilities review conducted by the ESE CVTE safety specialist indicated that not all career/vocational technical education instructional facilities meet current occupational standards. The Office for College, Career, and Technical Education will send the official Safety Survey Report, which includes details specific to each program, to Superintendent Pigeon under separate cover.* |

| **CRITERION NUMBER** |  |
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|  | Legal Standard |
| **CVTE 21** | College, career and technical education instructional equipment meets current occupational standards. *Perkins Section 134; Vocational Technical Education Regulations 603 CMR 4.03 (3) (4) (7) (8)* |
|  | **References:**Carl D. Perkins Career & Technical Education Improvement Act of 2006 at<http://www.doe.mass.edu/cte/perkins/>Chapter 74 Selected Sections & 603 CMR 4.00 Vocational Technical Education Regulations and Guidelines at <http://www.doe.mass.edu/cte/laws.html>Career/Vocational Technical Education Safety Guide at <http://www.doe.mass.edu/cte/safety/guide.doc> NIOSH Safety Checklist Program for Schools at<http://www.doe.mass.edu/cte/safety_health.html>Chapter 74 Manual for Vocational Technical Cooperative Education at<http://www.doe.mass.edu/cte/programs/> |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and an instructional facilities review conducted by the ESE CVTE safety specialist indicated that not all career/vocational technical education instructional equipment meets current occupational standards. The Office for College, Career, and Technical Education will send the official Safety Survey Report, which includes details specific to each program, to Superintendent Pigeon under separate cover.* |

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| This Coordinated Program Review Final Report is also available at:<http://www.doe.mass.edu/pqa/review/cpr/reports/>.Profile information supplied by each charter school and school district, including information for individual schools within districts, is available at <http://profiles.doe.mass.edu/>. |

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| WBMS CPR Final Report 2017 |
| File Name: | Nashoba Valley Technical School District CPR Final Report 2017 |
| Last Revised on:  | May 24, 2017 |
| Prepared by: | TGH/MLP/SN/LED |