Private Special Education School

MID-CYCLE REVIEW:

Information Package on Corrective Action Plan Verification Procedures

School Year 2005-2006
Massachusetts Approved Private Special Education Schools that undergo Department of Education Program Review procedures are subject to a mid-cycle follow-up onsite verification of approved Corrective Action Plans (CAP). As a first phase of this follow-up, each school submits written Corrective Action Plan Progress Report information regarding the school's efforts to remedy previously identified issues included in the Department’s Final Program Review Report.

As a second phase of the Department’s follow-up procedures, the Department conducts onsite verification visits to determine the effectiveness of corrective action activities undertaken by Approved Private Special Education Schools. During this mid-cycle onsite visit, the Massachusetts Legislature is requiring that the Department place special emphasis on the special education programs and practices, particularly those resulting from any new state or federal requirements enacted since the school’s last Program Review visit. The Department’s Onsite Chairperson for the Mid-cycle Review may determine additional areas addressed in the school’s Program Review Corrective Action Plan to be areas of focus for this Mid-cycle Review.

To help Approved Private Special Education Schools prepare for the Mid-Cycle Review, the attached listing of “Focus Areas” has been provided to guide the school’s preparation for this onsite visit.

Additionally, the school should carefully review the complete 2005-2006 Approved Private Special Education School Program Review Procedures, as the current special education compliance standards included in this information package (refer to Document #2) are those on which the Department will rely during the course of the Mid-cycle Review activities. The documentation of a school’s current practices are, in many cases, represented most clearly in the work the school has accomplished in meeting the individual needs of students and documented in student records.

**Program Approval**

The Department of Education will review the approved private special education school’s required Corrective Action Plans and issue written determinations regarding approval or disapproval of each corrective action plan activity. At the same time, the Department will issue an updated approval status to each Approved Private School Program. At this time, the approval status will be based upon the Department’s acceptance of the private school’s Corrective Action Plans in addition to any other identified areas of non-compliance. The approval status will indicate that the Approved Private School Program is receiving a “Full Approval,” “Provisional Approval,” or “Probationary Approval” as defined under 603 CMR 28.09. For Approved Private School Programs receiving a “Full Approval,” this approval will remain in effect for three (3) years from the date of the approved Corrective Action Plan and resulting approval letter. This approval will be contingent upon continued compliance with all regulations contained within 603 CMR 28.00 “Special Education Regulations” and 603 CMR 18.00 “Program And Safety Standards For Approved Public Or Private Day And Residential Special Education School Programs.” The Department of Education may change this approval status at any point during this three-year period if circumstances arise that warrant such a change. For Approved Private School Programs receiving a “Provisional Approval” or “Probationary Approval,” the Department of Education will clearly indicate the reasons for the reduced approval along with time-lines for compliance and an expiration date of the approval status.

By October 1st of each school year, every Approved Private School Program will be required to prepare updated written information pertaining to specific approval requirements. During the spring prior to that school year, the Department of Education will issue updated approval procedures clearly describing the content of the requirements to be addressed. In September of each school year, Department staff will contact each Approved Private School to schedule an on-site visit to review the updated written information. The onsite visit will be scheduled and conducted by December 1st of that school year.
year. During the onsite visit, the updated written information will be reviewed and a written checklist will be issued to the Approved Private School clearly indicating Department determinations and/or any questions or concerns for each requirement addressed. At this time, the Department will determine if the Approved Private School Program has sufficiently addressed all requirements. If the Department approves all criteria addressed within the written materials, the Approved Private School Program’s “Full Approval” status will remain in effect. Any areas requiring clarification or additional documentation will be identified for the school on the written checklist. The Approved Private School Program will have thirty (30) calendar days from the date of the onsite visit to submit any additional and/or clarifying documentation. If all criteria are not approved with this submission, the Department shall issue a “Provisional Approval” or, if there are presenting health and safety issues and/or significant areas of non-compliance, a “Probationary Approval.”

A Mid-cycle Review for each Approved Private School Program will be scheduled during the last year of the school’s three-year approval. The Mid-cycle Review will consist of a 1-3 day onsite visit during which Department staff will follow-up any areas of non-compliance that were identified during the school’s last Program Review and/or any areas of concern identified after the Program Review. At this time, Department staff may review documentation, student records and/or personnel records. Department staff may also schedule and conduct interviews with a selected number of staff and/or observe parts of the Approved Private School Program. Upon completion of the mid-cycle review, the Approved Private School Program will receive an updated approval status. For Approved Private School Programs receiving a “Full Approval,” this approval will remain in effect for three (3) years from the date of issuance of the approval letter. Once again, this approval will be contingent upon continued compliance with all regulations contained within 603 CMR 28.00 “Special Education Regulations” and 603 CMR 18.00 “Program And Safety Standards For Approved Public Or Private Day And Residential Special Education School Programs.” The Department of Education may change this approval status at any point during this three-year period if circumstances arise that warrant such a change. For Approved Private School Programs receiving a “Provisional Approval” or “Probationary Approval,” the Department of Education will clearly indicate the reasons for the reduced approval along with time-lines for compliance and an expiration date of the approval status. The Approved Private School Program will be scheduled for a full Program Review during the last year of this three-year cycle.

The Private School Program Review system enables all publicly funded and approved private schools to be recognized for their achievements and successful and innovative programs for disabled students. This period of program review also provides an opportunity to identify areas where change is required to improve upon services to students. The Department hopes that this program review process will be a positive experience and that the Final Report is seen as a helpful planning document for the continuing development of high quality programs and services in publicly funded private school programs.

FOCUS AREAS for Mid-cycle Reviews
School Year 2005-2006

The focus areas for the Department’s Mid-cycle Review are based upon the private school’s Program Review findings and the results of the Department’s review of any required Corrective Action Plan Progress Reports that have been submitted to the Department prior to the Mid-cycle Review. Additionally, The Department’s onsite activities will focus in the following general areas:

1. Verification of any corrective action ordered by the Department of Education in the course of on-site activities whereby areas of non-compliance have been identified, complaint resolution activities and follow-up activities to incident reports that have been submitted by the private school over the past 2-3 years.
2. Verification of implementation of any approved Program Reconstruction Applications, Extraordinary Relief Requests and/or Special Circumstances Requests.
3. Verification of other Program Review Corrective Action Plans in other regulated program areas as determined by the Department’s Mid-cycle Review Onsite Chairperson and other Department program leaders.
If not otherwise addressed in the school’s corrective action plan noted in #1 above, the following topics contained within the 2005-2006 Program Review compliance criteria listed below will be generally reviewed through administrative and staff interviews, selected student records and other targeted interviews during the Mid-cycle Review. Please refer to the current 2005-2006 Approved Private Special Education Schools Program Review Procedures containing the full text of current compliance requirements.

Note that the Department’s Chairperson for the Mid-cycle Review will determine the method(s) of review for these criteria.

INDEX OF MID-CYCLE PROGRAM REVIEW FOCUS AREAS
(Consult with the Onsite Chairperson prior to the onsite visit regarding specific documentation submission requirements for the Approved Private School’s Mid-cycle Review. Other compliance criteria may be added by the Department depending on the school-specific findings included in the school’s last Program Review Final Report.)

<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.3 Program’s Curriculum</td>
<td>The private school provides a description of the program’s curriculum and general types of staff qualifications that have been established to meet all special education and related services included in students’ Individualized Education Programs. Included in the private school’s curriculum is a written plan that describes opportunities for students to participate in daily recreational and leisure activities that are appropriate to their ages, interests and needs. Emphasis on the Advisory related to graduation requirements for student enrolled in Approved Private Special Education Schools (SPED Advisory 2002-4)</td>
</tr>
<tr>
<td>Compliance Criterion</td>
<td>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 2.2 Approvals, Licenses, Certificates of Inspection  
28.09(2)(b)4-5  
28.09(5)  
28.09(6)  
18.04(1) | The program has current licenses, approvals, and certificates of inspection by state and local agencies for:  
- Building occupancy;*  
- Safety inspection in all buildings by the Department of Public Safety or local building inspector;  
- Annual fire safety inspection by local fire department;*  
- Lead paint inspection (if applicable);*  
  [See 102 CMR 308(4)(b): All buildings, residential or otherwise, utilized by children younger than six or with a mental age younger than six shall be free of lead paint violations in accordance with 105 CMR 460.000 (Massachusetts Department of Public Health Prevention and Control of Lead Poisoning regulations).]  
- Health safety;*  
- Approval by local school committee (per MGL c.76, s.1);  
- Approval by DEEC to operate a group care facility or a special education day care center (if applicable);*  
- Asbestos inspection or date when building was constructed and statement from appropriate authority that building is asbestos free;  
- PCB inspection or date when building was constructed and statement from appropriate authority that building and all light ballasts are free from PCB’s;  
- Other inspections that may be required by local or state authorities; and  
- (If applicable) a statement as to whether previous application was made for approval, and the action that was taken on it.  
*A program with a residential component may submit the most recent DEEC license to fulfill those requirements marked with an asterisk (*). |
<p>| 2.3 DEEC License (Not Applicable to Day Schools) | The program has a current, full license from Department of Early Education and Care (DEEC) (per 102 CMR 3.00) to operate as a residential school. |</p>
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
</table>
| **3.2 Health Care Manual** 18.05 (9)(d) | The program maintains a written and current health care policies and procedures manual containing all required health-related policies and procedures as described in 603 CMR 28.00 and 603 CMR 18.00, and approved by the school’s licensed physician. The manual is readily available to all staff and includes policies and procedures on the following subjects:  
- Provision of medical, nursing, and infirmary care  
- Emergency first aid (see criterion 16.4)  
- Administration of medications, per DPH regulations  
- Administration of anti-psychotic medications including, where appropriate, “Rogers Procedures”  
- **Students with Comfort Care/Do Not Resuscitate Orders (DPH Guidelines issued on November 30, 2004)**  
- **Meningococcal Disease and Vaccination for Residential Schools with Grades 9-12 and Postsecondary Institutions that Provide or License Housing (Massachusetts General Laws, Chapter 76, s. 15D and related regulations of DPH, 105 CMR 220.700)**  
- Preventive health care (see 16.7)  
- Receipt of medical treatment in accordance with students’ religious beliefs  
- No smoking policy (see Assurance on this subject)  
- Toileting procedures  
- Food and nutrition (see 14.2)  
- Name and contact information for consultant physician and additional emergency contacts |
| **4.4 Advance Notice of Proposed Program/Facility Change** 28.09 (5)(c) | Prior to any substantial change to the program or physical plant, the private school provides written notification to the Department to obtain approval. The program must also provide written notification to the Department of any sudden and/or unexpected changes that may impact the overall health or safety of students and/or the delivery of services required by IEPs. Examples of changes include, but are not limited to:  
- Changes (e.g. increases or reductions) in services or staff including temporary staff shortages that alter the previously approved student/teacher (or student/childcare) ratios and/or affect the program or service delivery to students per their IEPs (if any changes occur in this area, the school *must submit an updated Master Staff Roster*);  
- Building changes that affect the care of the students;  
- Major changes in the population to be served;  
- Any alteration of the service configuration of the program as last approved by the Department; and  
- Significant changes in program policies or procedures. |
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
</table>
| 4.5 Immediate Notification  
18.03(10)  
18.05(7)  
28.09(12) | For all students (regardless of state of residency), the public/private program makes immediate notification to the parent, the public school district special education administrator, and any state agency involved in the student care or placement (by telephone and letter), and the Department of Education (by telephone and Form 2) of the following incidents:  
- Death of a student  
- Hospitalization of a student, including outpatient 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  
- Injury of a student in a motor vehicle accident  
- In-patient psychiatric hospitalization of a student due to an emergency mental health crisis that occurs while the student is in the program  
- Administration of medication to a student in an emergency situation  
- Running away of a student  
- Emergency termination of a student including circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others  
  - A written termination summary explaining the reasons for the emergency termination must be sent to the parent(s), the student (if over 14 years of age), the local Administrator of Special Education, officials of the appropriate Human Service Agency and the Department of Education.  
- Filing of a 51-A report with DSS, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student  
- Any action taken by a federal, state or local agency that might jeopardize the school’s approval with the Department 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 regardless of state of residency |
| 5.2 Policies and Procedures for Coordination/Collaboration with Public School Districts  
28.06(2-3)  
28.09(9)(c)&(d)  
28.09(2)(b)7 | The public or private special education program works collaboratively with the placing school district to ensure that, to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, are provided access to the general education program and are given opportunities to return to a less restrictive educational program.  
A private school shall have policies and procedures that describe roles and responsibilities of the program and its staff as well as general communication and collaboration procedures that address the following:  
- Consideration of possible placement and admissions process;  
- IEP development and implementation and roles in 3-year eligibility re-determinations;  
- Contents of and general arrangements for executing contracts with placing school districts;  
- Participation of the private or public school program as well as school district representatives at the TEAM and other key meetings, including... |
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>reviewing/revising the IEP;</td>
</tr>
<tr>
<td></td>
<td>• Written progress reports;</td>
</tr>
<tr>
<td></td>
<td>• Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc.;</td>
</tr>
<tr>
<td></td>
<td>• Administration of tests;</td>
</tr>
<tr>
<td></td>
<td>• Preparations for students returning to a public school or other less restrictive setting;</td>
</tr>
<tr>
<td></td>
<td>• Preparations for students approaching or reaching ages 14, 16 and 18, later education, and adult life, consistent with IDEA “transition” requirements and state age-of-majority law;</td>
</tr>
<tr>
<td></td>
<td>• School district monitoring of student progress;</td>
</tr>
<tr>
<td></td>
<td>• Granting of high school diplomas consistent with Department of Education requirements; and</td>
</tr>
<tr>
<td></td>
<td>• Conditions for issuance of certificates of attendance or program completion by a private school or educational collaborative.</td>
</tr>
</tbody>
</table>

NOTE: Please review federal regulations 300.349 and 300.400-401 before preparing this policy/procedure. Public school districts have the lead responsibility for convening the Team that makes the initial and subsequent (every 3 years) eligibility determinations, develops the IEP, and decides upon an appropriate placement. Private and educational collaborative programs, however, play a major role in determining whether a proposed placement in the program will meet a student’s needs. Private and educational collaborative programs have the responsibility of delivering services on the IEP, assessing and communicating progress, developing subsequent IEPs and planning for the student’s return to a less restrictive environment and/or for adult life.

### 6.1 Daily Instructional Hours

603 CMR 27.00

Unless otherwise approved by the Department of Education, the public/private special education program provides an average annual minimum of the following instructional hours:

- Elementary: 5 hours per school day (except for kindergarten)
- Secondary: 5 ½ hours per school day

The public/private special education program ensures that, unless a student’s IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year (including physical education for all students, required by M.G.L. c. 71, s. 3), within the required school year schedule. Where the public/private special education program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2 School-to-Work 603 CMR 27.02, 27.04</td>
<td>Where the public/private special education program counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.</td>
</tr>
<tr>
<td>6.3 Kindergarten 603 CMR 27.03(5)</td>
<td>Where the public/private special education program sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If two sessions of kindergarten per day are scheduled, it ensures equal instructional time for all kindergarten students.</td>
</tr>
</tbody>
</table>
| 6.4 School Days per Year 28.09(9) | The public/private special education program is conducted for the following days (exclusive of weekends, holidays, vacations):  
- 10 month program - 180 days  
- 11 month program – 198 days  
- 12 month program – 216 days  
Before the beginning of each school year, the public/private special education program sets a school year schedule for each program. This schedule must include at least five additional school days to account for unforeseen circumstances (i.e. snowstorms). |
| 6.5 Early Release of High School Seniors 603 CMR 27.05 | When a public/private special education program schedules the early release at the end of the year of the senior class of a high school, it does so in accordance with a written policy that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors’ school year nor graduation is more than 12 school days before the regular scheduled closing date of that school. |
| 7.1 Curriculum Frameworks 28.09(9)(b) | The program’s personnel shall reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum.  
The program has taken steps to provide all students with essential learning opportunities that prepare the students to reach the state graduation standards. |
<p>| 7.3 State/District Wide Assessments 28.09(9)(d) | The program has a written procedure outlining how the school will ensure that all enrolled students participate in state and/or district wide assessments in accordance with the assessment participation information provided on the student’s IEP. Such procedures shall include how the approved program will provide for MCAS testing accommodations and/or administration of alternate assessments as determined by each student’s Team. |</p>
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.4</strong></td>
<td>Program Modifications and Support Services for Limited English Proficient Students</td>
</tr>
</tbody>
</table>
| Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); M.G.L. c. 71, s. 38Q1/2; 603 CMR 28.03(3)(a); M.G.L. c. 71A, ss. 2(e), 4; 603 CMR 14.04; M.G.L. c. 76, s. 5; 603 CMR 26.03 | The public/private special education program works with public school districts to implement necessary program modifications and support services to serve effectively limited English proficient (LEP) students who need special language assistance. Such program modifications and support services:  
  - Are based on sound education theory;  
  - Provide for English-language development;  
  - Provide for meaningful participation of LEP students in the school’s educational program;  
  - Are evaluated and appropriately revised in an ongoing manner; and  
  - Are demonstrably useful in assisting students receiving such program modifications and services to gain English language proficiency. |
| **8.9**              | IEP – Revisions & Changes 34 CFR 300                                                             |
|                      | The program notifies the responsible public school district and parents whenever the IEP needs to be revised to reflect a change in goals, placement, or a return to a less restrictive setting. |
|                      | In no case shall the private school or educational collaborative provide notice of a Team meeting required by state and federal special education requirements. In no case shall the private school or educational collaborative conduct a Team meeting without the authorization and presence of an administrative representative of the responsible school district. In no case shall the private school or collaborative issue a new or revised IEP for a student. |
| **10.1**             | Student: Teacher Ratios 28.06(6)(d)& (g) 28.09(7)(e)                                           |
|                      | Unless otherwise approved by the Department of Education, the public/private special education program ensures that instructional groupings do not exceed:  
  - 8 students to one certified teacher without an aide  
  - 12 students to one certified teacher with an aide |
| **10.4**             | Student: Child Care Ratios 28.09(7) 18.01(2)                                                   |
|                      | The program has a student to childcare worker ratio of:  
  - Not lower than 4:1 nor greater than 6:1 during non- “school day” waking hours  
  - Not lower than 6:1 nor greater than 8:1 during sleeping hours |
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
</table>
| **11.1 Personnel Policies**  
28.09(7)  
28.09(11)(a)  
18.05(11) | The private special education program shall develop written personnel policies and procedures that describe:  
- Criteria and procedures for hiring, written evaluations, suspension or dismissal of any staff person; and development of teacher and staff evaluation forms;  
- Procedures for handling staff complaints;  
- Provisions for vacations, holidays, leaves, sick days, and any other benefits offered by the program;  
- A plan for using volunteer and/or intern services;  
- Equal employment/educational opportunities/affirmative action in regard to race, color, creed, national origin, sex, sexual orientation and handicap; and  
- Consistent with new state law effective on February 25, 2003, procedures for accessing, considering and acting upon Criminal Offender Record Information (CORI), for current and prospective employees, volunteers, school transportation providers and others who may have direct and unmonitored contact with students.  
  - [NOTE: For applicants or employees who reside outside of Massachusetts, approved special education schools should obtain and review criminal record information from the state of residence of the applicant or employee on the same basis as it does for applicants and employees who reside in Massachusetts.] |
| **11.3 Educational Administrator Qualifications**  
28.09(7)(a)  
603 CMR  
44.00 and 44.04 | The program shall designate an educational administrator 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 either shall have licensure as a special education administrator or all of the following:  
- 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.  

The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.  
The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04. |
| **11.4 Teachers**  
(Special Education Teachers and Regular) | The public/private special education program must ensure that all teaching staff have teaching license (certification) 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: |
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
</table>
| **Education Teachers)**                     | a. All teaching staff shall be re-licensed pursuant to the requirements of 603 CMR 44.00 and shall be subject to the same requirements as teachers in Massachusetts public schools.  
   28.09(7)(b)(c)  
   18.05(11)(f)  
   b. 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 shall be licensed in other educational areas, in order to provide for content expertise in the general curriculum. The Department of Education may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services.  
   c. To the extent that teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator. |
| **11.4(a) Professional Development Plans**   | All licensed teaching staff holding professional licensure shall be required to obtain supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04.  
   28.09(7)(b)(c)  
   18.05(11)(f) |
| **11.5 Related Services Staff**              | All staff providing or supervising the provision of related services shall be appropriately certified, licensed or registered by their respective state boards or professional associations.  
   28.09(7)(d) |
| **11.6 Master Staff Roster**                 | The public/private special education program maintains a master list of ALL staff for every position within the program. This list must include job titles along with their corresponding UFR title numbers for private programs, and full-time equivalents (FTE’s) for public and private programs. This list may include, but is not limited to:  
   28.09(7)  
   • Administrators  
   • Special education teachers  
   • General education teachers  
   • Related services professional staff  
   • Registered Nurse  
   • Direct (child) care workers  
   • Direct (child) care supervisors  
   • Clerical and maintenance staff  
   • Psychologist  
   • Social worker  
   • Food service staff  
   • Consultants |
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11.7</strong> Job Descriptions 18.05(11)(d)</td>
<td>Public/private special education program has written job descriptions for all staff positions that shall be made available to staff as well as parents, if requested.</td>
</tr>
<tr>
<td><strong>11.8</strong> Salary Ranges 18.05(11)(e)</td>
<td>The program shall establish in writing a salary range including benefits covering all positions and shall inform each employee of the same for his/her position.</td>
</tr>
<tr>
<td><strong>11.9</strong> Organizational Structure 28.09(7) 28.07(c)</td>
<td>The program shall demonstrate that its organizational structure provides for the effective and efficient operation of the school, supervision of school staff, and supervision of students.</td>
</tr>
<tr>
<td><strong>11.11</strong> Supervision of Students 28.09(7) 18.03(1)</td>
<td>The program shall develop and implement a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any school-related activity on and off school grounds. This plan must include arrangements for individual and group recreational programs appropriate to the age, interests, and needs of each student with assigned staff as appropriate.</td>
</tr>
</tbody>
</table>
| **11.12** Accessibility of Extracurricular Activities | Extracurricular activities sponsored by the public/private special education program are nondiscriminatory in that:  
- The school provides equal opportunity for all students to participate in intramural and interscholastic sports  
- Extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation, disability, or homelessness. |
<p>| <strong>12.2</strong> Annual In-Service Training Plan and Calendar | The public/private special education program develops and implements a written plan for staff orientation and training that is consistent with the needs of the student population, appropriate to the role of each staff member and provides, on average, at least two (2) hours per month of relevant |</p>
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>28.09(7)(f) 18.05(11)(h)</td>
<td>training for all staff including non-professional staff (child care workers/direct care staff on all shifts). Staff input on training needs is elicited and considered. The following topics are required in-service training topics and must be offered annually to all staff providing direct care services to students: a. Reporting abuse and neglect of students to the Department of Social Services (51-A) and/or the Disabled Persons Protection Commission; b. Emergency first aid training by a certified instructor and, where specifically required by the Department of Education, certification in CPR; c. Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects); d. Runaway policy; e. Transportation safety (if applicable); f. Student record policies and confidentiality issues; g. Evacuation policies and emergency procedures including, but not limited to, utilization of the alarm system, evacuations in instances of fire or natural disaster; h. Behavior management policies and procedures used by the program such as positive reinforcement, point/level systems, token economies, time-out procedures; i. Restraint procedures including de-escalation methods used by the program; j. Curriculum alignment with the Massachusetts Curriculum Frameworks; k. Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and l. Civil rights responsibilities.</td>
</tr>
<tr>
<td>13.3 Comparability of Facilities</td>
<td>Where the public/private special education program provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the program, including: - Separate facilities for disabled, limited English proficient or pregnant students that are comparable to the facilities for other students in the program; and - Separate toilet, locker room, and shower facilities for students of one gender that are comparable in size, condition, number and location to those provided to students of the other gender.</td>
</tr>
<tr>
<td>15.1 Parental Involvement and Parents’ Advisory Group</td>
<td>The public/private special education program shall have a written plan for involving parents and shall have a Parents’ Advisory Group that shall advise the school on matters that pertain to the education, health and safety</td>
</tr>
<tr>
<td>Compliance Criterion</td>
<td>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</td>
</tr>
<tr>
<td>----------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>18.05(4)(a)</td>
<td>of the students in the program. The program shall designate a staff person to support the Parents’ Advisory Group.</td>
</tr>
<tr>
<td>15.3</td>
<td>When students have parents or guardians with limited English language skills, the public/private special education program ensures that general announcements and notices of extracurricular activities and other opportunities are distributed to them in the primary language of the home.</td>
</tr>
<tr>
<td>15.8</td>
<td>The public/private special education program shall develop and make available to parents and students a set of written procedures that may be used to register complaints regarding the student’s education and care at the school. The public/private special education program must also adopt and publish grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.</td>
</tr>
<tr>
<td>16.9</td>
<td>The public/private special education school program develops a policy on the care of a child with a DNR order. Special consideration must be given to meeting child and family needs as well as the students and staff.</td>
</tr>
<tr>
<td>16.10</td>
<td>All new students at public and private residential schools that provide education to students in grades 9-12 must:</td>
</tr>
<tr>
<td>Compliance Criterion</td>
<td>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Vaccination</td>
<td>• Receive information about meningococcal disease and vaccine; and&lt;br&gt; • Provide documentation of receipt of one (1) dose of meningococcal vaccine within the last five years or qualify for one of the exemptions to immunization established by the statute.</td>
</tr>
</tbody>
</table>

**18.2 Student Records**<br>(Log of access and face sheet information)<br>28.09(10)

Student records shall be legibly dated and signed by persons making entries. Individual access logs shall be maintained for each record. All records must contain:

- Log of access consistent with requirements of the Massachusetts Student Record Regulations
- Face sheets updated at least annually with the following information:
  - Name<br>  - Date of birth<br>  - Recent picture<br>  - Date of admission to private school
- Name of educational case manager assigned by the public/private school program
- Location of residential service within facility (if applicable), and name of residential case manager or supervisor
- Date initially eligible for special education (if known)
- Date of most recent special education evaluation(s)
- Date of next expected 3-year reevaluation
- Starting and expiration dates of current (or most recent) IEP
- Primary language of student
- Legal status of student
- If under 18: in custody of both parents, one parent [specify], legal guardian [specify], other [specify]
- If 18 or over: makes own decisions; under legal guardianship [specify]; has shared role with parent in education decisions [specify]
- Other state agency/ies involved with student
- Parent/guardian contact information: names, addresses, home & work telephone numbers, e-mails
- Primary language of parents/guardian
- Contact information of persons other than parents to be contacted in an emergency (names, addresses, telephone numbers)
- Educational surrogate contact information (if applicable)
- Notation of allergies and/or any other medical condition affecting student’s well-being (e.g., seizures)
- Information specific to the student regarding the handling of medical emergencies
- Copy of current IEP
- Copies of quarterly progress reports and any modification of the IEP
- Copy of the student's termination or discharge plan
- Health records, including reports, documentation of physical examinations, allergies, screening tests, results of medical care
  - All evaluations or assessments conducted of the
<table>
<thead>
<tr>
<th>Compliance Criterion</th>
<th>Standards and Documentation to be Reviewed and Discussed with the Department of Education Onsite Team</th>
</tr>
</thead>
</table>
| student              | - Pertinent correspondence concerning the student  
|                      | - Information regarding the use of behavior management interventions including, but not limited to, restraint (chemical, mechanical, physical) and time-out procedures  
|                      | - Copies of all incident reports  |

### Mid-cycle Student Record Reviews

The Approved Private Special Education School should carefully review the standards included in Student Record Review Procedures included in the 2005-2006 Program Review Procedures for Approved Private Special Education Schools. The Department’s Onsite Chairperson will randomly select student records for review with the school’s assistance for students who have recently undergone Team procedures in the following categories:

- Three-year re-evaluation
- Annual Review
- Participation in MCAS on demand and alternate assessments
- Determination of transition services
- Transfer of Rights at Age of Majority
- Students with behavioral interventions as part of their IEPs and/or for whom the district has conducted a functional behavioral assessment
- Students suspended in the school year (in the current year or the preceding academic year)
- Students receiving assistive technology
- Limited English-proficient disabled students and students who have parents whose language is other than English
- Students who have been terminated from the school through either planned or emergency termination procedures
- Students who have been placed in the approved private school as a result of a BSEA decision or a mediated or private settlement agreement

### Personnel System and Related Documentation Review

**Individual Personnel File Review**

During the Private School Mid-Cycle Review, Department of Education staff members will review the private school’s personnel system documentation and conduct a random review of individual personnel files to determine compliance with program approval standards. This review will be conducted in the presence and with the assistance of the school official responsible for personnel management to ensure that the Department’s review of information is limited to matters related to Department of Education requirements. The private school is required to make available during the onsite visit a copy of the most recently submitted UFR (Uniform Financial Report) Budget Form required by the Operational Services Division of the Executive Office for Administration and Finance. This form should correspond with the private school’s Master Staff Roster. In addition, all personnel documentation under Area 11 must be made available to the on-site team.
Mid-cycle Documentation Requirements

The approved private school should prepare the following documents for review by the Department of Education On-site Chairperson:

- Updated Application Face Sheet unless otherwise submitted to the Department on October 1, 2005.
- Signed Statement of Assurances unless otherwise submitted to the Department on October 1, 2005.
- Self-assessment of the program which includes:
  - A description of how the program has worked to ensure that the Program Review Corrective Action Plan is being implemented.
  - A description of the steps the school has taken to ensure compliance with state and federal regulations to benefit enrolled students.
  - Patterns of complaints and/or incident reporting that have resulted in Corrective Action Plans to improve the service provided to students.
  - Description of the implementation of an approved Program Reconstruction, Request for Extraordinary Relief and/or Special Circumstances Request.
- Any updates or changes to the school’s program(s) and/or approved policies and procedures must be provided to the On-site Chairperson for approval.
- Copies of all Progress Reports submitted to the Department of Education related to the Approved Program Review Corrective Action Plan.
- Copies of current licenses and/or approved waivers for all administrative, teaching and related services staff.

Classroom and Facilities Observation

A sample of instructional classrooms and school facilities used in the delivery of private school programs and services will be visited to determine general levels of compliance with program requirements. The selection of student records will also guide the Chairperson's selection of observation sites. The Department of Education Team may conduct both announced and unannounced visits to the classrooms and other facilities.

The Onsite Team would appreciate an opportunity to interact informally with students at meal times and during after school and evening activities.
APPLICATION FACE SHEET
FOR DEPARTMENT OF EDUCATION APPROVAL OF A
MASSACHUSETTS PUBLIC OR PRIVATE DAY OR RESIDENTIAL
SPECIAL EDUCATION SCHOOL PROGRAM
(IDEA-97 and M.G.L. C.71B, 603 C.M.R. Section 18.00 and Section 28.00)

DATE OF REQUEST __________

___ APPLICATION FOR APPROVAL OF A NEW PUBLIC OR PRIVATE PROGRAM
___ APPLICATION UPDATE OF A CURRENTLY APPROVED PUBLIC OR PRIVATE PROGRAM
___ APPLICATION FOR APPROVAL OF A RECONSTRUCTED PRIVATE PROGRAM

School District/Collaborative or Private School Name: ____________________________________________________

Agency Address: ___________________________________________ Telephone: (____)________________________
Fax Number: ___________________________________ E-mail Address: ____________________________________

Name of Program: _________________________________________________________________________________

Name of Building Where Program is Located: ___________________________________________________________

Address of Program: _________________________________________ Telephone: (____)_______________________

☐ Day School Program ☐ Residential School Program Current Enrollment: ____ Maximum Enrollment: ________

DOE Private School Program Code Number (for existing approved program): __________________________

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

The Department of Education is hereby requested to approve the special education school program named above
and described in the attached documentation.

Name of Program Director: ____________________________ Signature: _____________________________________

Address: ________________________________________ Telephone: (____)______________________

<table>
<thead>
<tr>
<th>DEPARTMENT OF EDUCATION ACTION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Received in Department of Education on</td>
</tr>
<tr>
<td>Date of Last Onsite Visit: ____________________ Conducted by: ____________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPROVAL STATUS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Program Temporarily Approved on: __________________ Expires on:</td>
</tr>
<tr>
<td>(Supervisor, Program Quality Assurance Services) (Administrator, Program Quality Assurance Services)</td>
</tr>
<tr>
<td>Program Provisionally Approved on: __________________ Expires on:</td>
</tr>
<tr>
<td>(Supervisor, Program Quality Assurance Services) (Administrator, Program Quality Assurance Services)</td>
</tr>
<tr>
<td>Program Fully Approved on: __________________ Expires on:</td>
</tr>
<tr>
<td>(Supervisor, Program Quality Assurance Services) (Administrator, Program Quality Assurance Services)</td>
</tr>
</tbody>
</table>
REQUEST FOR APPROVAL OF A MASSACHUSETTS
PUBLIC OR PRIVATE DAY OR RESIDENTIAL
SPECIAL EDUCATION SCHOOL PROGRAM

STATEMENT OF ASSURANCES

Name of School District/Collaborative or Private School: ________________________________________________

Name of Program: ____________________________________________

1. Financial Solvency (applicable to Private Special Education Schools ONLY)
Pursuant to 603 CMR 28.09(2)(b)(4), WE assure the Department of 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.

2. Justification of Public School Day or Residential School (applicable to submission of requests for
Initial Approval of Public Special Education Schools ONLY)
Pursuant to 603 CMR 28.09(2)(c), WE assure the Department of Education that the public school or
educational collaborative program is developed for programmatic reasons and not because of lack of
space at an in-district location.

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 Education that the private school
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 Education that the
program does not discriminate in the enrollment of students and in the employment of personnel on the
basis of race, sex, color, religion, national origin, age, sexual orientation or disability.

5. Accessibility
Pursuant to 603 CMR 18.04, WE assure the Department of 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
Education that the staff of the program are fully qualified, licensed, and/or certified in their 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 Education for the approval of any applicable waiver of these requirements.
7. Student Learning Time

Pursuant to M. G. L. c. 69, section 1G, as amended, and consistent with the requirements of 603 CMR 27.00, 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 unless otherwise provided for by state or federal law. 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 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 student 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 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 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. Education Reform Curriculum Alignment

Pursuant to 603 CMR 28.09(9)(b), WE assure the Department of Education that the program’s personnel reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum. Additionally, the program has either aligned its curriculum with the Massachusetts Frameworks or has taken steps to provide 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 for detailed guidance on MCAS participation and high school graduation standards.)

11. Smoking

WE assure the Department of 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.

12. Parent Involvement

Pursuant to 603 CMR 18.05(4), WE assure the Department of 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 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-97 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 Education that the program has developed and keeps current a comprehensive manual of all required policies and procedures required in these application standards.

15. Criminal Offender Record Information - “CORI” (Applicable to all out-of-district programs except those already licensed by the Massachusetts Office of Child Care Services.)
Pursuant to Chapter 385 of the Acts of 2002, An Act Further Protecting Children effective on February 25, 2003, WE assure the Department of Education that the program conducts criminal background 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 obtains Criminal Offender Record Information (“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(f).)

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

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 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); and (3) WE have considered and responded to all comments.

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 Education (by telephone and in writing) using the required standard Form 2 pursuant to all applicable state requirements, and in applicable situations, the Department of Education Physical Restraint Report [603 CMR 46.06(5)].

17. Contracts
Pursuant to 603 CMR 28.06(3)(f), WE assure the Department of 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 regulatory requirements of the Board of Education as set forth in the general requirements for out-of-district placements. (Refer to Administrative Advisory SPED 2002-5 for detailed guidance on Contracts.)

Signed Assurance Given by:

Name: ____________________________  Title: ___________________________  Date: ____________
(Superintendent or Executive Director)

Name: ____________________________  Title: ___________________________  Date: ____________
(Admin.of Spec.Ed. or Education Director)

Name: ____________________________  Title: ___________________________  Date: ____________
(School Committee Chair or President of Board of Directors)