

# Criteria Guide and Initial Application GuidanceFor Collaborative and Special EducationApproved Public Day School Programs

IDEA, M.G.L. c. 71B,

603 CMR Sections 18.00, 28.00, and 46.00





**Special Education Approved Public Day School Programs Program Criteria**

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## About the Office of Approved Special Education Schools (OASES)

The Office of Approved Special Education Schools (OASES) is a team within the Department of Elementary and Secondary Education (DESE). It is a part of the state’s general supervision system under the Individuals with Disabilities Education Act (IDEA). Programs overseen by OASES predominantly serve students with disabilities in out-of-district placements, such as educational collaboratives and approved special education schools. OASES works towards our vision and supports our mission by requiring accountability among the schools and programs we regulate while providing guidance and technical assistance to schools and programs regarding special education laws, regulations, policies, procedures, and effective practices. OASES promotes data-driven and evidence-based decision-making and, in support of this, collects and analyzes various data from educational collaboratives and approved special education schools to identify trends and patterns where technical assistance may be needed. OASES also works closely with other components of the state’s general supervision system under IDEA, including but not limited to the Problem Resolution System Office and the Public-School Monitoring Office.

DESE also works with other state agencies, including the Department of Early Education and Care (EEC), the Department of Children and Families (DCF), the Department of Mental Health (DMH), and the Department of Public Health (DPH), relating to Special Education Approved Public Day School and Collaborative programs. OASES’s collaboration with these partner agencies includes working with schools and programs to address concerns raised by more than one agency, maintaining working groups to discuss topics that overlap among the state agencies, and streamlining processes to reduce duplication on the part of the programs and state agencies.

## Initial Application Instructions for Special Education Approved Public Day Schools

The Department of Elementary and Secondary Education (DESE) may grant approval to special education public day school programs providing special education services in Massachusetts following 603 CMR 28.09. Once an initial program application is reviewed and the program receives either a “Provisional” or “Full” approval status, the special education public day school program may enroll publicly funded Massachusetts special education students.

Additionally, 603 CMR 18.00 governs the program and safety standards for special education approved public day school programs that serve publicly funded students. The requirements outlined in 603 CMR 18.00 are in addition to, or in some instances to clarify/elaborate on, the program approval standards set forth in 603 CMR 28.09.

Approval for special education public day school programs operating in Massachusetts is contingent upon meeting:

* State laws and regulations, including but not limited to:
	+ Massachusetts General Laws [Chapter 71B](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71B),
	+ [603 CMR 18.00](https://www.doe.mass.edu/lawsregs/603cmr18.html), Program and Safety Standards for Approved Public or Private Day, Summer and Residential Special Education School Programs,
	+ [603 CMR 23.00](https://www.doe.mass.edu/lawsregs/603cmr23.html), Student Records,
	+ [603 CMR 28.00](https://www.doe.mass.edu/lawsregs/603cmr28.html), Special Education, and
	+ [603 CMR 46.00](https://www.doe.mass.edu/lawsregs/603cmr46.html), Prevention of Physical Restraint and Requirements, If Used.
* [Federal law (IDEA Part B), 20 U.S.C. § 1400](https://sites.ed.gov/idea/statute-chapter-33/subchapter-i/1400) *et seq.* and accompanying regulations (e.g., [34 C.F.R. §§ 300.145 – 300.147](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR8b9c471fc0cc1cf/section-300.145)), and
* Applicable Civil Rights laws.

Any individual, not-for-profit corporation or agency, proprietary corporation or public educational collaborative school district may file an application to establish and operate a special education school program in Massachusetts to serve eligible students with disabilities. DESE shall require justification of the need for such a program and establish standards for approval. Under federal and state law, there is an overriding obligation for public school districts to work cooperatively with education collaboratives and approved special education school programs to ensure that students with disabilities are placed outside the general education environment only when the nature or severity of their disability is such that education in a less restrictive educational environment with the use of supplemental aids and services cannot be achieved satisfactorily. DESE reserves the right to deny approval if circumstances warrant such action.

## Submission of a Notification of Intent to Apply for Initial Program

Before accessing an application for initial program approval, the applicant will electronically submit the Notification of Intent to Apply for Initial Program to DESE.

* Please review the required elements of the Notification to Apply for Initial Program
	+ Intent to Apply for an Initial Program
* For agencies and collaboratives with currently approved special education programs, notification is submitted through the Communication Hub and Monitoring Portal (CHAMP).
	+ [CHAMP Login](https://dese.my.site.com/monitoring/s/login/)
* For agencies that do not currently have an approved special education program, complete the Notification of Intent to Apply for an Initial Program posted on the Office of Approved Special Education Schools (OASES) website.
	+ [Office of Approved Special Education Schools](https://www.doe.mass.edu/oases/)

Within 10 days of submitting a Notification of Intent to Apply for Initial Program, confirmation of receipt will be sent to the applicant through the CHAMP portal or via email. Once all required elements are reviewed, a team member from DESE will be available to schedule a virtual meeting to review the application procedures and related approval criteria.

## Initial Application Overview

The Initial Application is organized according to compliance criteria. Each criterion indicates requirements to which programs must adhere, and for which policies, procedures, or other supporting documents must be developed. Approved policies and procedures should inform internal program practices. Programs are required to maintain ongoing compliance with each criterion.

1. Once the program has fulfilled the requirements of the Notification of Intent to Apply for an Initial Program, the Application will be made available in CHAMP and include:
	1. Agency and Program Information;
	2. Contact Information;
	3. Statement of Assurances signed by at least two different staff who serve in the specified positions;
	4. Required Documentation identified and explained within the Initial Application; and
2. OASES staff review applications in CHAMP and provide written feedback for any criteria that require additional information.
3. Program uploads additional documentation in CHAMP and submits to DESE for further review.
4. Once the program meets all documentation requirements for Temporary Approval, OASES staff will:
	1. Schedule an onsite visit to review the school site and ensure compliance with physical space requirements;
	2. Issue a Temporary Approval Certificate to the program with a 30-day expiration date.
5. During the Temporary Approval status, the program may not enroll any students.
6. Once the program has fulfilled outstanding required criteria, and the program has hired adequate staff to meet the student’s IEP goals and approved ratios, DESE will update the approval certificate to Provisional Approval. At this point, the program may begin serving students while they finalize all application requirements.

OASES staff will continue to provide technical assistance until the program completes all requirements for Full Approval status.

## Initial Application Details

## Submission of Initial Application

Once DESE reviews and approves all required documentation for the program’s Intent to Apply for an Initial Program, the program will complete the Application for an Initial Program in the Communication Hub and Monitoring Portal (CHAMP). The required documentation listed below for each criterion must be uploaded into CHAMP. Documentation should include any Notes in the requirements section. DESE will review each initial application and provide the applicant with written feedback indicating the status of each criterion. DESE staff may provide technical assistance regarding CHAMP and questions about requirements. DESE encourages applicants to familiarize themselves with the approval criteria and required documents included in this document.

## Agency and Program Information

Agencies provide pertinent information in CHAMP, such as the contact information for program leadership and the address of each program/site location. Programs may update contact information in CHAMP, as needed, to allow for ongoing communication.

## Statement of Assurances

DESE has developed a Statement of Assurances document, which must be included in the school program’s application for initial approval. The assurances reflect general requirements in 603 CMR 28.09, 603 CMR 18.00, and 603 CMR 46.00, as well as other pertinent federal and state education requirements. Each proposed special education day, summer, and residential school program should carefully review each assurance. Before DESE approves a program, the individuals indicated below must sign and date the Statement of Assurances:

* Executive Director;
* Education Director; and
* Chairperson of the Board of Directors.

Please note that the same person may not sign for all three positions. The same person may not act in all three positions. A downloadable Statement of Assurances document is available in CHAMP within the Initial Application.

## Documentation Requirements for Special Education Approved Public Day Schools

Initial Application Documentation

For an Initial Application, the applicant must submit policies, procedures, and any additional required documentation for each criterion listed below. The applicant should submit only documentation that is requested or required.

Ongoing Compliance Monitoring

OASES monitoring consists of two review processes: the Program Review, which occurs once every six (6) years; and the Mid-Cycle Review occurs three (3) years after each Program Review. The Mid-Cycle review includes a subset of criteria reviewed during the Program Review, in addition to any criteria that had findings of noncompliance from the previous Program Review. Additionally, OASES may conduct targeted Monitoring as DESE deems it necessary.

Information regarding the current OASES monitoring process is available in the

[[OASES Integrated Monitoring Procedures Guide](https://www.doe.mass.edu/oases/sa-nr/oases-procedures.docx)](https://www.doe.mass.edu/oases/integrated/procedures-guide.docx)

Please reach out to your liaison or oases1@mass.gov with any questions.

### **APD 1.1 Demonstration of Need for Program**

 Requirements

1. A demonstration of the need for the program is required for approval from DESE. The program must provide evidence in the form of a written needs assessment with a summary of the data received and analyzed that shows that the students the program proposes to serve require the services the program is prepared to offer.
2. Approved Special Education Day and Residential Programs must demonstrate the unique special education needs of students to be enrolled in the program and the reasons why these needs cannot be met in an in-district program through a fully developed narrative statement showing that the program is developed for programmatic reasons and not because of lack of space at an in-district location.

[Massachusetts special education regulations (28.09(2)(b)(1); 28.09(2)(c))](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=02)

[Massachusetts General Laws, Chapter 76, Section 1 (M.G.L. c. 76, § 1)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section1)

#### **Documentation Requirements for Initial Application for 1.1**

* Written Needs Assessment
* Narrative statement describing the programmatic reasons that justify the establishment of the out-of-district program that specifically cites the unique special education needs of the students to be enrolled in the program and the reasons why these needs cannot be met in an in-district program.

#### **Documentation Requirements for Program and Mid-cycle Review** **for 1.1**

* Written Needs Assessment

### **APD 1.2 Program & Student Description, Program Capacity**

 Requirements

 A narrative is provided that describes:

1. Identified population of students to be served
2. Ages of students;
3. Genders Served (Male, Female, Non-binary);
4. Educational characteristics;
5. Behavioral characteristics and
6. Philosophy, goals, and objectives.
7. How each of the following educational services are implemented for the described student population of the program:
8. The content requirements of the Massachusetts Curriculum Frameworks;
9. Self-help, daily living skills;
10. Social/emotional needs;
11. Physical education; adapted physical education;
12. Pre-vocational, vocational, and career education;
13. English language support (for limited English proficient students) and;
14. Other: any other specialized educational service(s) provided by the program.
15. How each of the following related services is or will be provided for the described student population of the program, whose IEPs indicate such services:
	1. Transportation;
	2. Braille needs (blind/visually impaired)
	3. Assistive technology devices/services;
	4. Communication needs (all students, including deaf/hard of hearing students);
	5. Physical therapy;
	6. Occupational therapy;
	7. Recreation services;
	8. Mobility/orientation training;
	9. Psychological services, counseling services, rehabilitation counseling services, social work services;
	10. Parent counseling and training;
	11. Health services, medical services, and
	12. Other (e.g., music therapy, sensory integration therapy).
16. How the kinds of supplementary aids and services available for students in the program are or will be provided:
17. Supplementary aids and services are defined as “those aids and services – which are not ‘specially designed instruction or related services’ – which enable eligible students to be educated to the maximum extent possible with non-disabled students.” These may include aids and services that would typically be available in a less restrictive setting, and their availability would be helpful when the student can be placed in a less restrictive placement (e.g., adapted text, enlarged print, graph paper, peer tutor).

[Massachusetts Special Education Regulations, 603 CMR 28.09(2)(a)(2) and 28.09(2)(b)(2, 3, and 7)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [Massachusetts General Laws, Chapter 71B, Section 10 (M.G.L. c. 71B, § 10)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71b/Section10)

#### **Documentation Requirements for Initial Application for 1.2**

* Provide written narrative addressing these requirements.
* Please address each item individually. If some services on the list are not proposed to be provided by the program, also provide a description of how such services would be provided if a student having that specific need was enrolled in the program or suddenly required such services.

#### **Documentation Requirements for Program and Mid-Cycle Review for 1.2**

* Signed Statement of Assurances
* Provide written narrative that includes only required elements 1-6.

### **APD 2.1 Legal and Financial Status**

 Requirements

1. Provide a description of the legal status including names of individuals and principal parties with ownership, oversight, and key administrative responsibilities.
2. Provide the name of the Chief Financial Officer.
3. Provide the names of the Board of Directors.
4. Provide complete documentation about the legal ownership, governance and management.
5. Provide a copy of the proposed program budget.

NOTE:Any expenses beyond staffing must be indicated on the program budget, well-defined, and thoroughly described in the program application.

NOTE: The program must maintain a current program budget and a list of the proposed tuition rates for all publicly and privately funded students attending the school, including students from outside Massachusetts. [808 CMR 1.00].

[Massachusetts Special Education Regulations, 603 CMR 28.09(2)(b)(4) (28.09(2)(b)(4))](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 2.1**

* Name of the Chief Financial Officer;
* Names and positions of the Board of Directors;
* Copy of by-laws;
* Signed and dated copy of the proposed program budget

#### **Documentation Requirements for Program and Mid-Cycle Review for 2.1**

* Name of the Chief Financial Officer;
* Names and positions of the Board of Directors;

### **APD 2.2 Approvals, Licenses, Certificates of Inspection**

 Requirements

 **The program has current licenses, approvals, and certificates of inspection by state and local agencies.**

1. Safety Inspection. The program shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access;
2. Fire Inspection. The program shall obtain a written report of an annual fire inspection from the local fire department;
3. Lead paint inspection if the facility was built prior to 1978, or a written statement that includes the year the building was built. [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];
4. Local Board of Health permit to be obtained at least twice a year;
5. Local school committee approval from the school district within which the school is located (See M.G.L. c. 76, § 1);
6. Asbestos inspection or date when building was constructed and statement from appropriate authority that building is asbestos free (if asbestos is present, then a containment plan is required);
7. Statement regarding the non-existence of PCBs, or, if PCBs are present, then a containment plan is required;
8. Other inspections that may be required by local or state authorities (please specify); and
9. If applicable, a statement as to whether previous application was submitted to DESE of Elementary and Secondary Education for initial approval, and the action that was taken on it.

[Massachusetts Special Education Regulations, 603 CMR 18.04(1)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=04);[28.09(2)(b)(5); 28.09(5) (b); 28.09(6) (b, c)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 2.2**

* Obtain all current licenses, approvals, and certificates of inspection by state and local agencies and additional elements included in 1-9.
* These requirements must be maintained for all buildings used by students.

#### **Documentation Requirements for Program and Mid-Cycle Review for 2.2**

* Upload Required- Template document only that includes expiration dates for:
* Safety Inspection
* Fire Inspection
* Current Board of Health Permit/Inspection. If BOH does not issue a permit or conduct inspections, upload documentation from BOH to confirm.

### **APD 3.1 Policies and Procedures Manual**

 Requirements

 All special education approved public day school programs shall maintain on-site a policies and procedures manual and shall provide written annual notice to parents of enrolled students that copies of such policies and procedures are available upon request.

 The program’s manual must contain a Table of Contents and a policy for all subject areas listed below. The policies and procedures must include, but are not limited to:

1. Reporting Suspected Child Abuse/Neglect to Department of Children and Families (DCF) and the Disabled Persons Protection Commission (DPPC) (Criterion 3.1(c));
2. Evacuation and Emergency Procedures (Criterion 3.1(d));
3. Notification/Prior Approval of Substantial Changes (Criterion 4.4);
4. Immediate Notification (Criterion 4.5);
5. Student Admissions (Criterion 5.1);
6. State and District-Wide Assessments (Criterion 7.3);
7. Granting High School Diplomas or Certificates of Attendance (Criterion 7.4);
8. Program Modifications and Support Services for English Learners (ELs) students (Criterion 8.4);
9. IEP Progress Reports (Criterion 8.8);
10. Less Restrictive Placement (Criterion 8.10);
11. Transition Planning (Criterion 8.11);
12. Behavior Support (Criterion 9.1);
13. Student Separation Resulting From Behavior Support (Criterion 9.1 (a));
14. Runaway Students (Criterion 9.3);
15. Physical Restraint (Criterion 9.4);
16. 3-5 Day Suspensions (Criterion 9.5);
17. 10+ Day Suspensions (Criterion 9.6);
18. Terminations (Criterion 9.7);
19. Supervision of Students (Criterion 11.11);
20. New Staff Orientation and Annual Inservice Training (Criteria 12.1 and 12.2);
21. Parent Involvement (Criterion 15.1);
22. Information to be Translated into Languages Other Than English (Criterion 15.3);
23. Change of Student’s Legal Status (Criterion 15.4);
24. Parent Consent and Notification (Criterion 15.5);
25. Registering Complaints and Grievances – parents, students, and employees (Criterion 15.8);
26. Student Transportation and Transportation Safety (If staff do not provide transportation, explain the procedures followed for off-site outings such as field trips, doctor’s appointments, and emergencies) (Criterion 17.1);
27. Participation of the special education approved public day program as well as school district representatives at the TEAM and other key meetings, including reviewing/revising the IEP (34 CFR 300.321);
28. Confidentiality of Student Records (Criterion 18.1);
29. Anti-Hazing (Criterion 19); and
30. Bullying Prevention and Intervention (Criterion 20).

**NOTE**: The policies and procedures manual must be kept onsite and visible in the reception area or other commonly visited areas in the program. The policies and procedures manual must be marked.

 [Massachusetts Special Education Regulations, 603 CMR 28.09(11) (28.09(11))](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 3.1**

* Submit the Policies and Procedures manual containing a Table of Contents. Include the corresponding policy for required policies and procedures for all subject areas 1-30 and include the Note.
* Provide a copy of the written notification sent annually to parents, which is maintained in each student’s record.

#### **Documentation Requirements for Program and Mid-Cycle Review for 3.1**

* Provide a copy of the written notice, which is maintained in each student’s record, sent annually to parents, indicating that all policies and procedures are available upon request.

### **APD 3.1(c) Child Abuse Reporting**

 Requirements

 The program shall develop and implement written procedures and staff training for the reporting of suspected child/student abuse or neglect to DESE of Children and Families (M.G.L. c. 119, §§ 51A and B) and, for students 18 and older, the Disabled Persons Protection Commission (M.G.L. c. 19C).

1. Such procedures shall include immediate notification for reporting serious incidents to DESE of Elementary and Secondary Education when an allegation of suspected child abuse/neglect is made against the school or an employee relating to any action taken against a student during the school day.
2. Policy must include procedures staff are to follow for notifying other state agencies as required by law or regulations (such as Department of Developmental Services (DDS), Department of Mental Health (DMH), or Department of Early Education and Care (EEC) when a report is filed against the program or its employee(s) or student(s) outside of school hours that are not required to be submitted to DESE.
3. Policy must clarify that staff may file a report directly with DCF or DPPC, but may include that once reported, the employee can be required to notify program administrators.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(i)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

[Massachusetts General Laws, Chapter 119, Sections 51A and 51B (M.G.L. c. 119, §§ 51A and B)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119) [Massachusetts General Laws, Chapter 19C (M.G.L. c. 19C)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter19C)

#### **Documentation Requirements for Initial Application for 3.1 (c)**

* Provide a written policy and Procedures that include all required elements 1-3.
* If Applicable: When serving students 18 and older, written Policy and Procedures for reporting suspected student abuse or neglect for students 18 or older to the Disabled Persons Protection Commission (DPPC).

#### **Documentation Requirements for Program and Mid-Cycle Review for 3.1 (c)**

* Provide a written policy and Procedures that include all required elements 1-3.
* If Applicable:When serving students 18 and older, written Policy and Procedures for reporting suspected student abuse or neglect for students 18 or older to the Disabled Persons Protection Commission (DPPC).

### **APD 3.1(d) Evacuation and Emergency Procedures**

 Requirements

 The program shall develop and implement a plan including procedures on emergencies and evacuations that complies with 603 CMR 18.05(10) and includes:

1. Two evacuation drills conducted for each shift at each location annually;
2. Helping all students to understand the nature of the drills;
3. Special provisions for the evacuation of any mobility-impaired student in the facility;
4. A written log of each evacuation drill that includes date, time elapsed, participants (students and staff), witnesses, etc.; and
5. Evaluation of effectiveness of evacuation plan.

 The program shall develop and implement emergency drills (e.g. lockdown of building, flood preparedness, gas leak) that include:

1. The assignment of personnel to specific tasks and responsibilities in emergencies;
2. Instructions for the use of alarm systems and signals;
3. Systems for notification of appropriate persons;
4. Specification of evacuation routes and procedures; and
5. Evaluation of effectiveness of emergency plan.

[Massachusetts Special Education Regulations, 603 CMR 18.05(10)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 3.1 (d)**

* Provide written policy and procedures for evacuations that include all required elements.
* Provide written policy and procedures for emergency drills that include all required elements.
* Provide a template of an Emergency Drill Log (Optional DESE Template can be used), including date, time elapsed, participants (students and staff), witnesses, etc., and evaluation of effectiveness of evacuation plan.
* Address all elements of this criterion.

#### **Documentation Requirements for Program and Mid-Cycle Review for 3.1 (d)**

* Provide written policy and procedures for evacuations that include all required elements.
* Provide written policy and procedures for emergency drills that include all required elements.
* Provide a template of an Emergency Drill Log (Optional DESE Template can be used), including date, time elapsed, participants (students and staff), witnesses, etc., and evaluation of effectiveness of evacuation plan.
* Address all elements of this criterion.

### **APD 3.2 Health Care Manual**

 Requirements

 The program maintains a written and current Health Care Manual containing a Table of Contents and all required health-related policies and procedures. The program’s physician or a registered nurse shall aid the program in the development of the Health Care Manual. The program’s licensed physician or registered nurse shall approve the Health Care Manual annually.

The manual is readily available to all staff and includes the following policies and procedures:

1. Food and Nutrition (Criterion 14.2);
2. Toileting Procedures (for schools that enroll students who require toilet training or diapering only) (Criterion 14.3);
3. Physician Consultant (Criterion 16.2);
4. Provision of Medical, Nursing, and Infirmary Care (Criterion 16.3)
5. Emergency First Aid and Medical Treatment (Criterion 16.4);
6. Administration of Medications (Criterion 16.5);
7. Administration of Anti-psychotic Medications (Criterion 16.6);
8. Preventive Health Care (Criterion 16.7);
9. Receipt of Medical Treatment – Religious Beliefs (Criterion 16.8);
10. Protection from Exposure Based on Allergy to Food, Chemical, or Other Material (Criterion 16.11); and,
11. No Smoking Policy pursuant to G.L. c. 71, § 37H (Criterion 16.12).

**NOTE:** Special Education Approved Public Day programs must follow the applicable Department of Public Health regulations.

**NOTE:** The Health Care Manual must be accessible to all staff in administrative offices and the school health center, infirmary, or nurse’s office.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 3.2**

* Provide a manual addressing all elements of this criterion.
* Provide a letter dated within the past 12 months from a licensed physician or registered nurse, approving the Health Care Manual.

#### **Documentation Requirements for Program and Mid-Cycle Review for 3.2**

* Provide a letter dated within the past 12 months from a licensed physician or registered nurse, approving the Health Care Manual.

### **APD 4.2 Public Information and Postings**

 Requirements

 Each program maintains onsite and makes the following information available for the public:

1. Program information, including a statement of purpose;
2. General description of the educational program;
3. Organizational chart;
4. Tuition rate;
5. Complete documentation about the legal ownership, governance, and management of the school program, including:
6. Names of officers,
7. List of Board of Directors,
8. Charters,
9. Partnership agreements,
10. Articles of organization, and
11. By-laws.

The following information shall be made readily available to all staff:

1. First Aid procedures;
2. Emergency procedures;
3. Emergency telephone numbers;
4. Evacuation Routes; and
5. All required policies and procedures.

The following shall be posted:

1. Emergency telephone numbers;
2. Copy of most recent DESE Approval Certificate; and

Once approved, the program must make the DESE approval status available for public review.

[Massachusetts Special Education Regulations, 603 CMR 28.09(2)(b)(4)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [18.05(9)(e)(4); 18.05(10)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 4.2**

* Provide a narrative description of where the information related to this criterion is kept.
* Once approved, the program must make the DESE approval status available for public review.

#### **Documentation Requirements for Program and Mid-Cycle Review for 4.2**

* No Upload Required
* Required postings will be reviewed onsite
* Required available documents will be reviewed onsite.

### **APD 4.4 Advance Notice of Proposed Program/Facility Change**

 Requirements

 Each Program must notify DESE of substantial changes within its program and identify the person responsible for making such notifications.

Before making any substantial change to the program or physical plant, the program must provide written notification of intent to change to the Department of Elementary and Secondary Education (DESE). Note the specified notification timelines and prior approval requirements that are listed in the related guidance. Notice shall be given with sufficient time to allow DESE to assess the need for the proposed change and its effects on the educational program. The program must also notify DESE 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.

Immediate notification for:

1. Unexpected building change as a result of an emergency
2. Closure of a program or site

Fifteen (15) Business days' notification for:

1. 20% decrease in enrollment of students based on the most recently approved DESE student enrollment
2. Vacancy in an approved staff position not filled by another appropriately licensed or waivered staff person that has a direct impact on the service delivery to students.
3. Change in the approved special education school program’s ownership.
4. Change in the approved special education school program’s name

Prior Approval from DESE Required:

1. Proposed changes to program building(s)/physical facilities that are not due to an emergency, but are related to relocation, renovation, or expansion of building(s)
2. Request to increase or decrease the ages of the students OR change the gender of students being served
3. Each proposed 20% increase in enrollment of students based on the most recently approved DESE student enrollment
4. Adding, eliminating, or changing staff position

Please provide a narrative description that directly pertains to the program’s notification or request for prior approval of substantial changes, that includes a rationale for such changes and any other information that the program believes justifies its request.

[Massachusetts Special Education Regulations, 603 CMR 28.09(5)(c)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 4.4**

* Provide written policy and procedures for notifying or obtaining prior approval from DESE of substantial changes within the program through electronic submission that includes all required elements.

#### **Documentation Requirements for Program and Mid-Cycle Review for 4.4**

* Provide written policy and procedures for notifying or obtaining prior approval from DESE of substantial changes within the program through electronic submission that includes all required elements.

### **APD 4.5 Immediate Notification**

 Requirements

 The program shall develop and implement written policies and procedures on notification of serious incidents within the program to all required parties and identify the person responsible for making this notification.

Pursuant to applicable regulations each agency/program has a policy and procedures regarding immediate notification to DESE for ANY student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during school hours.

1. The filing of a 51-A report with the Department of Children and Families (DCF) OR a complaint to the Disabled Persons Protection Commission (DPPC) against the school or a school staff member for alleged abuse or neglect of any student;
2. The hospitalization of a student (including outpatient emergency room and urgent care visits) due to physical injury at school or PREVIOUSLY UNKNOWN illness, accident, or disorder which occurs while the student is in the program;
3. A student run from the program; and
4. Any other incident of a serious nature that involves a student. (Some examples include: any police involvement, any media involvement, weapons, fire setting, alcohol or drug possession or use while in the program).
5. The death of any student (immediate verbal notification to the student’s parent(s)/guardian(s), the responsible public school district, Department of Elementary and Secondary Education, and any other state agency involved in the education and care of this student).
6. The emergency termination of a student pursuant to 28.09(12)(b).

**NOTE:** All incident reports must be maintained in student records.

[Massachusetts Special Education Regulations, 603 CMR 18.03(10); 18.05 (7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03)

[Massachusetts Special Education Regulations, 603 CMR 28.09(12)(a)–(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 4.5**

* Provide written policies and procedures that all staff are required to follow regarding reporting serious incidents to DESE through electronic means, to all required parties, and identify the person responsible for making this notification.

#### **Documentation Requirements for Program and Mid-Cycle Review for 4.5**

* Provide written policies and procedures that all staff are required to follow regarding reporting serious incidents to DESE through electronic means, to all required parties, and identify the person responsible for making this notification.

### **APD 5.1 Student Admissions**

 Requirements

 The program develops and implements a written admissions policy

that includes the following:

1. A statement that the program maintains a copy of its policies and procedures manual onsite;
2. A statement that the program provides written notice to the parents of the enrolled students that copies of its policies and procedures manual are available upon request;
3. Admission criteria;
4. Admissions procedures;
5. Information required from referring school districts as part of the application process;
6. Procedures followed to determine whether the student will be admitted;
7. A statement that prior to admission, documentation is required from a licensed physician of a complete physical examination of the student not more than twelve (12) months before admission;
8. A statement that in the event of emergency placements, the program shall make provisions for a complete examination of the student within 30 days of admission; and
9. A statement that prior to admission, and upon request, the Director of the program or designee will be available to the parents, student, and the public-school representative for an interview. The interview shall include an explanation of the program’s purpose and services, policies regarding student and parent rights, including student records, the health program, including the procedures for providing emergency health care, and the procedures for termination of a student. The interview will allow for the opportunity for the student and parents to see the facilities, meet the staff members, and to meet enrolled students.

[Massachusetts Special Education Regulations, 603 CMR 28.09(11)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

[Massachusetts Special Education Regulations, 603 CMR 18.05(1)(b)(1–17); 18.05(2); 18.05(3)(c)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 5.1**

* Provide written policy and procedures for the student admission process. This policy should include information on how the program will incorporate items 1-9.

#### **Documentation Requirements for Program and Mid-Cycle Review for 5.1**

* Provide written policy and procedures for the student admission process. This policy should include information on how the program will incorporate items 1-9.

### **APD 5.1(a) Admissions Packet**

 Requirements

 Prior to admission, the program shall provide the parents and the local school district a written copy of the following:

1. The program's statement of purpose;
2. The type of services provided;
3. Admission criteria;
4. Parents' rights as described in 18.05(4);
5. Health care, including provisions for emergency health care and/or hospitalization as described in 18.05(9);
6. Planning for both foreseen and emergency terminations as described in 18.05(6)(7);
7. Discipline and behavior support and proper use of non-violent physical restraints as described in 603 CMR 18.05(5) and 603 CMR 46.05;
8. Activities related to daily living skills;
9. Contractual obligations with regard to payment for services. The program shall inform in writing any party, other than a local school district, responsible for placement of a student that said party is financially responsible for any costs incurred as a result of any placement not made pursuant to the requirements of 603 CMR 28.00;
10. Clothing requirements;
11. A description of normal daily routines;
12. Any specific treatment strategy employed by the facility;
13. A description of any normally occurring religious practices;
14. Name, position, and telephone number of a staff person whom the parents may contact on an ongoing basis;
15. A description of a procedure that the parents or student may use to register complaints regarding the student's education and care at the facility; and
16. A copy of the approved school calendar.

[Massachusetts Special Education Regulations, 603 CMR 18.05(1)(b)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts General Laws, Chapter 71, Section 37O](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O)

#### **Documentation Requirements for Initial Application for 5.1 (a)**

* Provide a copy of the admissions application;
* Provide a copy of the admissions packet provided to parents and school district (s) prior to a student’s admission;
* Provide written policy and procedures that include the procedures for the student admissions process.
* A description of how the program addresses items 1-16 in order

#### **Documentation Requirements for Program and Mid-Cycle Review for 5.1 (a)**

* Provide a copy of the admissions application;
* Provide a copy of the admissions packet provided to parents and school district (s) prior to a student’s admission;
* Provide written policy and procedures that include the procedures for the student admissions process.

### **APD 5.2(a) Contracts**

 Requirements

 There shall be a signed written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3)(f).

Written contracts: School districts shall enter into written contracts. Each contract must include, but not be limited to, the following terms:

1. The out-of-district placement shall comply with all elements of the IEP for the student and shall provide, in writing, to the Administrator of Special Education detailed documentation of such compliance through completion of required student progress reports.
2. The out-of-district placement shall allow the placing school district to monitor and evaluate the education of the student and shall make available, upon request, any records pertaining to the student to authorized school personnel from the school district and DESE in accordance with 603 CMR 23.00: Student Records.
3. The out-of-district placement shall allow the placing school district and/or DESE to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense.
4. The out-of-district placement shall afford publicly funded students all the substantive and procedural rights held by eligible students, including but not limited to those specified in 603 CMR 28.09, and shall comply with all other applicable requirements of 603 CMR 28.00 and applicable policy statements and directives issued by DESE.
5. No school district shall contract with any out-of-district placement that discriminates on the grounds of race, color, national origin, disability, age, religion, sex, gender identity, or sexual orientation.

[Massachusetts Special Education Regulations, 603 CMR 28.06(3)(f)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06)

#### **Documentation Requirements for Initial Application for 5.2 (a)**

* Provide a sample program contract to be used with the public school district that includes only the five required elements of 603 CMR 28.06(3)(f)
* Provide written policy and procedures that include:
	+ How the program will obtain and track receipt of signed and dated contracts for each student annually from the sending district.
	+ How the program will follow up with sending districts regarding outstanding signed/dated contracts.

#### **Documentation Requirements for Program and Mid-Cycle Review for 5.2 (a)**

* Provide written policy and procedures that include:
	+ How the program will obtain and track receipt of signed and dated contracts for each student annually from the sending district.
	+ How the program will follow up with sending districts regarding outstanding signed/dated contracts.

### **APD 6.1/6.4 Daily Instructional Hours/School Days Per Year**

 Requirements

 The program ensures that each student is scheduled to receive an average minimum of the following instructional hours unless otherwise approved by DESE or a student’s IEP provides otherwise:

Elementary – A total of:

* 10-month program – 900 hours
* 11-month program – 990 hours
* 12-month program – 1080 hours

Secondary – A total of:

* 10-month program – 990 hours
* 11-month program –1089 hours
* 12-month program – 1188 hours

The program ensures that, unless a student’s IEP provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year (including physical education for all students, required by M.G.L. c. 71, § 3), within the required school year schedule. Where the program operates separate middle schools, at the beginning of the school year, it designates each one as either elementary or secondary.

NOTE: The program ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02. The program’s structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students); independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit); technology-assisted learning; presentations by persons other than teachers; school-to-work programs; and statewide student performance assessments.

[Massachusetts Regulations, 603 CMR 27.04;](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=04) [603 CMR 27.05(2)](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=05); [28.09(9)(a)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 6.1/6.4**

* Provide a written narrative that includes program details for the criterion.
* Provide a Structured Learning Time Worksheet for each program.

#### **Documentation Requirements for Program and Mid-Cycle Review for 6.1/6.4**

* Provide a Structured Learning Time Worksheet for each program.

### **APD 6.1(a) Physical Education Requirements**

 Requirements

 The program shall have a written plan to teach physical education as a required subject at all grade levels for all students to promote the physical well-being of students.

**NOTE**: Physical education classes are to be considered part of the student’s structured learning time.

[Massachusetts General Laws, Chapter 71, Section 3 (M.G.L. c. 71, § 3)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37O)

#### **Documentation Requirements for Initial Application for 6.1 (a)**

* Provide written policy and procedures regarding the physical education requirements and programming offered for all students.
* Provide schedule(s) that clearly indicate when and how often physical education classes are provided to students.

#### **Documentation Requirements for Program and Mid-Cycle Review for 6.1(a)**

* Provide written policy and procedures regarding the physical education requirements and programming offered for all students.
* Provide schedule(s) that indicate when and how often physical education classes are provided to students.

### **APD 6.2 School-to-Work**

 Requirements

 Where the program counts independent study or a school-to-work program as structured learning time, it has guidelines that clearly explain how hours spent by students are verified. These guidelines must include a detailed description regarding staff supervision, program oversight responsibilities, and work-related and/or independent study opportunities that are reflective of the students' IEP goals.

**NOTE**: If the program does not provide independent study and/or school-to-work programs, upload a statement indicating so.

[Massachusetts Regulations, 603 CMR 27.02](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=02); [27.04](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=04)

#### **Documentation Requirements for Initial Application for 6.2**

* Provide a description of independent study and/or school-to-work programs that include all required elements.

#### **Documentation Requirements for Program and Mid-Cycle Review for 6.2**

* Provide a description of independent study and/or school-to-work programs that include all required elements.

### **APD 7.1 Curriculum Frameworks**

 Requirements

 All programs must take steps to provide all students with essential learning opportunities that prepare the students to reach the local graduation standards or competency determination.

[Massachusetts Special Education Regulations, 603 CMR 28.05(4)(a)–(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=04);[28.09(9)(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

[Massachusetts General Laws, Chapter 71B, Section 10](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section10)

#### **Documentation Requirements for Initial Application for 7.1**

* Provide written policy and procedures for ensuring participation in state/district-wide assessments from the Policies and Procedures manual.
* Provide a description of how the Massachusetts Curriculum Frameworks learning standards are incorporated into the program’s instruction.

#### **Documentation Requirements for Program and Mid-Cycle Review for 7.1**

* Provide written policy and procedures for ensuring participation in state/district-wide assessments from the Policies and Procedures manual.
* Provide a description of how the Massachusetts Curriculum Frameworks learning standards are incorporated into the program’s instruction.

### **APD 7.3 State/District-Wide Assessments**

 Requirements

 All programs shall develop and implement written policies and procedures outlining how they will ensure that all enrolled Massachusetts students participate in state- and/or district-wide assessments in accordance with the state’s assessment participation requirements and the assessment participation information provided on the student’s IEP.

Such procedures shall include:

1. How the approved program will conduct MCAS test administrations and provide test accommodations, as appropriate, and/or administration of alternate assessments as determined by each student’s Team and;
2. A narrative that describes the specific steps the program will take to ensure that the MCAS Alternate Assessment (MCAS-Alt) option is discussed and considered in all IEP Team meetings for any Massachusetts student with a significant cognitive disability, according to guidelines established by the state and available on DESE’s website at <http://www.doe.mass.edu/mcas/alt/essa>.

[Massachusetts Special Education Regulations, 603 CMR 28.09(9)(d)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 7.3**

* Provide written policy and procedures ensuring student participation in state/district-wide assessments addressing 1-2.

#### **Documentation Requirements for Program and Mid-Cycle Review for 7.3**

* Provide written policy and procedures ensuring student participation in state/district-wide assessments addressing 1-2.

### **APD 7.4 High School Diplomas and Certificates of Attendance**

 Requirements

 The program shall develop and implement written policies and procedures that describe how it awards Massachusetts students either a high school diploma or a certificate that recognizes achievement, attendance, course completion, or participation.

The policy must be consistent with the content and requirements set forth in Administrative Advisory SPED 2002-4-REVISED: Special Education Students in Out-of-District Placements- Participation in MCAS Testing and High School Graduation Standards

[Massachusetts General Laws, Chapter 69, Section 1D](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter69/Section1D);

[Admin. Advisory SPED2002-4 revised; Special Education Students in Out-of-District Placements- Participation in MCAS Testing and HS Graduation Standards](https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2002-4.html)

#### **Documentation Requirements for Initial Application for 7.4**

* Provide a description, policy, and procedures for awarding diplomas or certificates of attendance to Massachusetts students, or
* Provide a statement if the program does not issue diplomas and/or certificates to Massachusetts students.

#### **Documentation Requirements for Program and Mid-Cycle Review for 7.4**

* Provide a description, policy, and procedures for awarding diplomas or certificates of attendance to Massachusetts students, or
* Provide a statement if the program does not issue diplomas and/or certificates to Massachusetts students.

### **APD 8.4 Program Modifications and Support Services for English Learners**

 Requirements

 The program shall develop a written plan to implement necessary program modifications and support services to identify and effectively serve English learners (ELs). Such program modifications and support services must comply with applicable laws (such as Title VI and EEOA).

1. The program must acknowledge that it is responsible for serving ELs.
2. The program must affirm its willingness to accept EL students into its program;
3. EL students must be afforded equal opportunities to access and participate in the program’s services, activities, and other benefits as all other students; and

EL Students Must Receive:

1. Sheltered content instruction, or instruction through a different research-based English learner program that meets the requirements of the law, from a trained and qualified teacher; and
2. Instruction in English as a Second Language by a licensed ESL teacher.

[Massachusetts General Laws, Chapter 71A (M.G.L. c. 71A)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section71A);

[Title VI of Civil Rights Act of 1974;](https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964#:~:text=No%20person%20in%20the%20United,activity%20receiving%20Federal%20financial%20assistance.) [34 CFR Part 100](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-100);

[Equal Educational Opportunities Act (EEOA), 20 USC §1703(f)](https://www.govinfo.gov/content/pkg/USCODE-2014-title20/html/USCODE-2014-title20-chap39.htm))

#### **Documentation Requirements for Initial Application for 8.4**

* Provide a written plan to address how the program effectively serves English Learners (EL) students.

#### **Documentation Requirements for Program and Mid-Cycle Review for 8.4**

* Provide a written plan to address how the program effectively serves English Learners (EL) students.

### **APD 8.5 Current IEP & Student Roster**

Requirements

1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the collaborative provides the mutually agreed upon services without delay.
2. At the beginning of each school year, the collaborative has a current IEP for each enrolled Massachusetts student that has been issued by the responsible public school district and consented to and dated by the student’s parent(s) (or the student, when applicable).
3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student’s IEP and the specific accommodations, modifications, and supports that must be provided for the student under it.
4. The collaborative does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs the responsible school district and parents in writing of any delayed services, reasons for delay, actions that the collaborative is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the responsible school district and parents, the collaborative implements alternative methods immediately until the lack of space or personnel issues are resolved.

[Massachusetts Special Education Regulations, 603 CMR 28.07(3)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=07);

[Code of Federal Regulations, 34 CFR 300.320(a)(3)(i)–(ii)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.320)

#### **Documentation Requirements for Initial Application for 8.5**

* Complete the provided student roster template in CHAMP to ensure it includes all required information for Massachusetts, out-of-state, and privately funded students once students are enrolled in the program.

#### **Documentation Requirements for Program and Mid-Cycle Review for 8.5**

* Review and update the student roster in CHAMP to ensure it includes all required information for Massachusetts, out-of-state, and privately funded students.

### **APD 8.8 IEP- Progress Reports**

 Requirements

 Progress Reports and Content

1. Parents receive reports on the student’s progress toward reaching the goals set in the IEP;
2. Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP;
3. The program shall send copies of progress reports to the parents/guardians, public school districts, and state agencies, if applicable; and
4. Progress reports must reflect the IEP most recently issued by the responsible school district and consented to by the parent/student/guardian.

**NOTE:** Progress Report must contain a description of:

1. How the child's progress toward meeting the annual goals will be measured; and
2. When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

**NOTE**: Copies of all progress reports shall be maintained in student records, including documentation of all persons receiving such reports.

[Massachusetts Special Education Regulations, 603 CMR 28.07(3)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=07);

[Code of Federal Regulations, 34 CFR 300.320(a)(3)(i)–(ii)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.320)

#### **Documentation Requirements for Initial Application for 8.8**

* Provide a copy of the IEP progress report form used by the program.
* Provide a narrative to include all required elements of the program’s progress reports plan and include each Note.

#### **Documentation Requirements for Program and Mid-Cycle Review for 8.8**

* Provide a description of how the program documents in student records that parents/guardians, public school districts, and state agencies, if applicable, receive copies of progress reports.

### **APD 8.10 IEP- Less Restrictive Environment**

 Requirements

 The program develops and implements a written plan that describes opportunities for enrolled students to gain the capacity to return to a less restrictive educational program.

[Massachusetts Special Education Regulations, 603 CMR 28.09(9)(c)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 8.10**

* Provide a written plan that describes opportunities for enrolled students to gain the capacity to return to a less restrictive educational program.

#### **Documentation Requirements for Program and Mid-Cycle Review for 8.10**

* Provide a written plan that describes opportunities for enrolled students to gain the capacity to return to a less restrictive educational program.

### **APD 8.11 IEP- Transition Planning**

 Requirements

The program has a written plan that addresses transition planning, working with the responsible school district to discuss each student’s transition needs annually beginning no later than when the student is 14 years old at the IEP Team meetings, and use of DESE’s Transition Planning Form to document its discussion. If appropriate, the Team considers specially designed, measurable goals based on age-appropriate transition assessments related to training, postsecondary education, employment, and, where appropriate, independent living skills.

Students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed.

**NOTE:** DESE Transition Planning Form must be maintained in the student record.

[Code of Federal Regulations, 34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.321)

#### **Documentation Requirements for Initial Application for 8.11**

* Provide written policy and procedures for Transition Planning.

#### **Documentation Requirements for Program and Mid-Cycle Review for 8.11**

* Provide written policy and procedures for Transition Planning.

### **APD 9.1 Policies and Procedures for Behavior Support**

 Requirements

 The program develops and implements a comprehensive set of policies and procedures consistent with regulations 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.

Behavior support policies shall be reviewed annually and be provided to program staff and made available to parents of enrolled students. The behavior support policies shall include:

1. Methods for preventing student violence;
2. Methods for preventing self-injurious behavior and suicide;
3. A description and explanation of the program’s alternatives to physical restraint;
4. A description of the program’s training requirements for staff;
5. A description of the program’s reporting requirements and follow-up procedures;
6. A description including timelines of the program’s procedure for receiving and investigating complaints regarding behavior support policies;
7. A description of the procedures to be followed for implementing the behavior support reporting requirements;
8. A description of the program’s procedure for making both oral and written notification to the parent; and
9. A procedure for the use of time-out.

**NOTE:** Meals shall not be withheld as a form of punishment. No student shall be denied or unreasonably delayed a meal for any reason other than medical prescriptions.

**NOTE:** Each Individual Student Behavior Support Plan must be maintained in the student record.

**NOTE:** Behavior support training must be provided to all program staff within the first month of the school year regarding the behavior support policies and the requirements when such procedures are implemented; OR

For employees hired after the school year begins, behavior support training must be provided and completed within one month of the date of hire of the employee.

[Massachusetts Special Education Regulations, 603 CMR 18.03(7)(b)(2)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03); [18.05(5, 6, 7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts Special Education Regulations, 603 CMR 28.09(11)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

Massachusetts Regulations, 603 CMR 46.00;

#### **Documentation Requirements for Initial Application for 9.1**

* Provide written policy and procedures for Behavior Support that address items 1-9 and include each Note.

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.1**

* Provide written policy and procedures for Behavior Support that address items 1-9 and include each Note.

### **APD 9.1(a) Student Separation Resulting from Behavior Support**

 Requirements

If the implementation of the program’s behavior support policy and procedures result in a student separating from planned instruction or program activities, it shall include:

1. A requirement that students shall be continuously observed by a staff member and staff shall be with the student or immediately available to the student at all times.
2. A procedure for obtaining administrator approval of time-out for more than 30 minutes based upon the individual student’s continuing agitation; and
3. A requirement that time-out shall cease as soon as the student has calmed.
4. A description of how students are monitored.
5. Reasons students would need to be separated from the planned instruction or educational activities.
6. Description of the procedures staff follow when a student needs to be separated from the classroom or educational activities within the classroom.
7. A description of all time-out spaces.
	1. Guidelines for staff in the utilization of such an area,
	2. Time-out rooms shall not be locked, and
	3. Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.
8. The procedure for obtaining approval required for separations of more than 30 minutes.
9. How the end of the student separation is determined.
10. How the program documents student separation.

NOTE: Documentation related to criterion 9.1(a) must be maintained in student records.

[Massachusetts Special Education Regulations, 603 CMR 18.05(5)(i); 18.05(6, 7)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

Massachusetts Regulations, 603 CMR 46.02(5)(b)

#### **Documentation Requirements for Initial Application for 9.1 (a)**

* Provide written policy and procedures for Student Separation Resulting from Behavior Support that include all required elements 1-10 and Note.
* Provide a copy of the log that includes all required elements used to document all time away from planned instruction/activity as a result of behavior support and use of time-out space that includes at a minimum:
	+ Duration of Student Separation,
	+ Reason for use of student separation as an intervention,
	+ Administrator approving time beyond 30 minutes, and
	+ Person observing student.

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.1 (a)**

* Provide a copy of policy and procedures that include only the required Student Separation Resulting from Behavior Support elements. (Information pertaining to the data collection questions.)
* Provide a copy of log that includes all required elements used to document all time away from planned instruction/activity as a result of behavior support and use of time-out space that includes at a minimum:
* Duration of Student Separation,
* Reason for use of student separation as an intervention,
* Administrator approving time beyond 30 minutes
* Person observing student.

### **APD 9.2 Discipline Code (Special Education Public Day Schools only)**

 Requirements

The district develops and implements a code of conduct for students and teachers.

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

For public out-of-district programs in a building containing grades nine through twelve, inclusive, a student handbook setting forth rules pertaining to the conduct of students must be distributed to each student (as described in M.G.L. c. 71, § 37H). The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

[Massachusetts General Law Chapter 71 § 37H as amended by Chapter 92 of the Acts of 2010](https://malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92);

[Massachusetts General Law Chapter 71 § 37O](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section37O#:~:text=Section%2037O%3A%20School%20bullying%20prohibited,reporting%20of%20bullying%20incident%20date&text=''Approved%20private%20day%20or,section%2010%20of%20chapter%2071B.)

#### **Documentation Requirements for Initial Application for 9.2**

* Copy of Collaborative’s discipline code of conduct
* Copy of student handbook, if required

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.2**

* Copy of Collaborative’s discipline code of conduct
* Copy of student handbook, if required

### **APD 9.3 Run Away Students**

 Requirements

 The program shall develop and implement a written policy, including a definition of runaways appropriate for the school population and location, as well as procedures for handling students who run away and immediate notification to DESE.

[Massachusetts Special Education Regulations, 603 CMR 18.03(10)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03)

#### **Documentation Requirements for Initial Application for 9.3**

* Provide written policy and procedures regarding students who run away that include the procedures to notify DESE electronically.

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.3**

* Provide written policy and procedures regarding students who run away that include the procedures to notify DESE electronically.

### **APD 9.4 Physical Restraint**

 Requirements

The program shall have a written policy on the use of physical restraints and administer physical restraints in accordance with the requirements of 603 CMR 46.00.

The program administers physical restraint 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.

Physical restraint policies and procedures must include the following:

1. Methods for engaging parents and students in discussions about restraint prevention and use;
2. A description and explanation of the method of physical restraint used by the program in an emergency situation;
3. A statement prohibiting seclusion, medication restraint, mechanical restraint, and prone restraint unless permitted under 603 CMR 46.03(1)(b);
4. Physical restraint shall be used only in emergency situations of last resort after other lawful and less intrusive alternatives have failed or been deemed inappropriate;
5. A description of the program’s procedure for conducting periodic review of data and documentation on the program’s use of restraint;
6. A description of the program’s training requirements for all staff;
7. A description of the intensive training for staff who serve as restraint resources for the program;
8. Reporting requirements and follow-up procedures for reports to parents/guardians and to DESE;
9. A procedure for receiving and investigating complaints regarding restraint practices; and
10. The director or his/her designee shall maintain an ongoing record of all instances of physical restraint, which shall be made available for review by DESE upon request.

**NOTE:** A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.

**NOTE:** Physical restraint training must be provided to all program staff within the first month of the school year regarding restraint prevention and the requirements when restraint is used; AND

For employees hired after the school year begins, physical restraint training must be provided and completed within one month of the date of hire of the employee.

[Massachusetts Special Education Regulations, 603 CMR 18.05(5)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

Massachusetts Regulations, 603 CMR 46.00

#### **Documentation Requirements for Initial Application for 9.4**

* Provide written policy and procedures regarding Physical Restraint that include only required elements 1-10 and each Note.
* Include the names and position(s) of staff who serve as restraint resources within the program must be included, as well as evidence of their intensive training.
* Provide a Plan for weekly restraint review for any student with more than one (1) restraint within the week.
* Provide a plan for reviewing restraint data monthly to identify trends and issues and inform training and practice.

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.4**

* Provide written Policy and Procedures regarding Physical Restraint that include only required elements 1-10 and include each Note.
* Include the names and position(s) of staff who serve as restraint resources within the program and evidence of their intensive training.
* Provide a plan for weekly restraint review for any student with more than 1 restraint within the week.
* Provide a plan for monthly review of restraint data to identify trends and issues to inform training and practice.

### **APD 9.5 3-5 Day Suspensions**

 Requirements

The program shall develop and implement a written policy on suspensions and provide a copy to the parents and to the school district and/or human service agency that placed the student. Such policy shall contain the following information:

* + 1. Whenever a student is suspended, the program shall immediately notify the parents and the public school or human service agency responsible for the placement. Within 24 hours, the program shall send a written statement explaining the reasons for suspension to the parents and public school district.
		2. No student may be suspended and sent home unless a responsible adult is available to receive the student.
		3. Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the program, parents, and public school district, consistent with federal requirements, explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program.
		4. Procedures must be in place to record and track the number and duration of suspensions, including suspensions from any part of the student’s IEP program (including transportation).

NOTE: Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional whom a licensed teacher is supervising is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.

[Massachusetts Special Education Regulations, 603 CMR 18.05(6)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 9.5**

* Provide written policy and procedures regarding 3–5-day suspensions addressing 1-4 and Note.
* On-site review of tracking mechanism for suspensions.
* Documentation regarding tracking the number and duration of suspensions, as well as notification of all appropriate parties, is maintained in student records or a copy of the student suspension log.
* Documentation of notification to parents, school districts, and other appropriate parties is maintained in student records.

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.5**

* Provide written policy and procedures regarding 3–5-day suspensions addressing 1-4 and Note.
* On-site review of tracking mechanism for suspensions.
* Documentation regarding tracking the number and duration of suspensions, as well as notification of all appropriate parties, is maintained in student records or a copy of the student suspension log.
* Documentation of notification to parents, school districts, and other appropriate parties is maintained in student records.

### **APD 9.6 10+ Day Suspensions**

 Requirements

The program shall develop and implement the following procedures when suspensions constitute a change of placement. A suspension is a change of placement when: 1) it exceeds 10 consecutive school days or 2) it is one of a series of suspensions that constitute a pattern under 34 CFR 300.536.

1. The program requests the student's responsible school district to convene an IEP Team meeting prior to a suspension that constitutes a change in placement of a student with disabilities.
2. The program participates in the TEAM meeting:
3. To develop or review a functional behavioral assessment of the student’s behavior and to develop or modify a behavior intervention plan;
4. To identify appropriate alternative educational setting(s); and
5. To conduct a manifestation determination (i.e. to determine the relationship between the disability and the behavior).
6. If the IEP team determines that the behavior is not a manifestation of the disability, the program may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible school district must, however, offer an appropriate education program to the student who may be in some other setting.
7. If the TEAM determines that the behavior IS a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.

NOTE: Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional whom a licensed teacher is supervising is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.

[Code of Federal Regulations, 34 CFR 300.530–300.537](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.321);

[Massachusetts Special Education Regulations, 603 CMR 18.05(7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 9.6**

* Provide written policy and procedures regarding 10+ day suspensions addressing 1-4 and Note.

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.6**

* Provide written policy and procedures regarding 10+ day suspensions addressing 1-4 and Note.

### **APD 9.7 Terminations**

 Requirements

The program develops and implements a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations.

The policy must include the following:

1. Planned Terminations: The program shall notify the public school district of the need for an IEP review meeting and provide notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date.
2. Emergency Terminations: In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program shall follow the procedures required under 603 CMR 28.09(12)(b) and immediately notify DESE.

The program shall not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student. At the request of the public school district, the program shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination from the program. With the mutual agreement of the program and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.

[Massachusetts Special Education Regulations, 603 CMR 18.05(7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts Special Education Regulations, 603 CMR 28.09(12)(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 9.7**

* Written termination policy that clearly delineates between planned and emergency terminations and includes requirement that all emergency terminations must be reported electronically to DESE through the Incident Report process.

#### **Documentation Requirements for Program and Mid-Cycle Review for 9.7**

* Written termination policy that clearly delineates between planned and emergency terminations and includes requirement that all emergency terminations must be reported electronically to DESE through the Incident Report process.

### **APD 10.1 Staffing for Instructional Groupings**

 Requirements

The program shall have instructional groupings that do not exceed:

1. The approved Student: Licensed Educator Ratio and
2. The approved Student: Licensed Educator and Aide Ratio.

Student: Licensed Educator Ratio is defined as the number of licensed special education teachers, licensed regular education teachers, or licensed related service providers to the number of students within an instructional group.

Student: Licensed Educator and Aide Ratio is defined as the number of licensed special education teachers, licensed regular education teachers, or licensed related service providers, and the number of aides (teacher aide, paraprofessional, direct care staff, behaviorist) to the number of students within an instructional group

[Massachusetts Special Education Regulations, 603 CMR 28.06(6)(d)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06);

[Massachusetts Special Education Regulations, 603 CMR 28.09(7)(e)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 10.1**

* Using the OASES Instructional Grouping/Age Span Template, provide schedules of all instructional groups (by period) that include:
	+ The name(s) of teachers,
	+ Dates of birth of oldest/youngest students in the instructional groupings, and
	+ The number of paraprofessionals for all pull-out and substantially separate instructional groupings.

#### **Documentation Requirements for Program and Mid-Cycle Review for 10.1**

* Using the OASES Instructional Grouping/Age Span Template, provide schedules of all instructional groups (by period) that include:
	+ The name(s) of teachers,
	+ Dates of birth of oldest/youngest students in the instructional groupings, and
	+ The number of paraprofessionals for all pull-out and substantially separate instructional groupings.

### **APD 10.2 Age range**

 Requirements

The program shall ensure that the ages of the youngest and oldest child in any instructional grouping shall not differ by more than forty-eight months (4 years).

Prior to exceeding the forty-eight-month age span, an Age Span Waiver (<https://www.doe.mass.edu/oases/sa-nr/default.html>) must be requested and approved by DESE.

[Massachusetts Special Education Regulations, 603 CMR 28.06(6)(f)–(g)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06)

#### **Documentation Requirements for Initial Application for 10.2**

* Using the OASES Instructional Grouping/Age Span Template, provide schedules of all instructional groups (by period) that include:
	+ The name(s) of teachers,
	+ Dates of birth of oldest/youngest students in the instructional groupings, and
	+ The number of paraprofessionals for all pull-out and substantially separate instructional groupings and for all programs.
* \*\*The same required template must be uploaded for criterion 10.1.\*\*

#### **Documentation Requirements for Program and Mid-Cycle Review for 10.2**

* Using the OASES Instructional Grouping/Age Span Template, provide schedules of all instructional groups (by period) that include:
	+ The name(s) of teachers,
	+ Dates of birth of oldest/youngest students in the instructional groupings, and
	+ The number of paraprofessionals for all pull-out and substantially separate instructional groupings and for all programs.

### **APD 11.1 Staff Policies and Procedures Manual**

 Requirements

The program shall develop and implement written policies and procedures for staff, maintained in a manual that describes:

1. Criteria and procedures for hiring. This must include the program’s Criminal Offender Record Information (CORI) policy regarding CORI checks on employees, volunteers, and interns whose responsibilities bring them into direct and unmonitored contact with students. Such checks shall be conducted upon initial hire and every three years thereafter.
2. Procedures for Criminal History Record Information (CHRI);
3. Procedures for the evaluation of staff including frequency and requirement that evaluations are signed and dated by reviewer and employee;
4. Procedures for disciplining staff (including suspensions and dismissals);
5. A plan for using volunteer and/or intern services; and
6. Statement of equal employment/educational opportunities in regard to race, color, sex, gender identity, religion, national origin, sexual orientation, disability, age or homelessness.

[Massachusetts Special Education Regulations, 603 CMR 18.03(2); 18.05(11)(c)(1)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts Special Education Regulations, 603 CMR 28.09(7); 28.09(11)(a)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

[Massachusetts General Laws, Chapter 71, Section 38R (M.G.L. c. 71, § 38R)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section38R);

[DESE Advisory on CORI revised 5/7/07](https://www.doe.mass.edu/lawsregs/advisory/cori.html);

Massachusetts Regulations, 603 CMR 26.00

#### **Documentation Requirements for Initial Application for 11.1**

* Develop and provide policy and procedures for hiring staff that include all required elements 1-6 maintained in policy manual.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.1**

* Submit policy and procedures specific to the following:
* Criminal Offender Record Information (CORI) upon hire and every 3 years thereafter employees, volunteers, and interns whose responsibilities bring them into direct and unmonitored contact with students.
* Criminal History Record Information (CHRI).
* Evaluation of staff.

### **APD 11.2 Administrative Responsibility**

 Requirements

The program shall designate one person who will have administrative responsibility over the operation of the program. Programs with more than 40 professional licensed staff may have one (or more) assistant administrator(s) provided that DESE approves such positions.

The administrator or designee shall at all times be on the premises of the program while the program is in operation. All staff on duty shall know who is responsible for administration of the program at any given time.

[Massachusetts Special Education Regulations, 603 CMR 18.05(11)(a)–(b)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 11.2**

* Provide the responsible administrator's name, position, and contact information.
* Describe how staff are informed of who the responsible administrator is on duty.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.2**

* Provide the responsible administrator's name, position, and contact information.
* Describe how staff are informed of who the responsible administrator is on duty.

### **APD 11.3 Educational Administrator Qualifications**

 Requirements

At least one staff member shall be designated as the educational administrator for the program. Such a person shall be assigned to supervise the provision of special education services in the program and to ensure that the services specified in each student’s IEP are delivered.

The educational administrator shall either possess licensure as a special education administrator or possess all of the following:

1. License as a special educator;
2. A minimum of a master's degree in special education or a related field; and
3. A minimum of one year of administrative experience.

[Massachusetts Special Education Regulations, 603 CMR 28.09(5)(a); 28.09(7)(a)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

Massachusetts Regulations, 603 CMR 44.00

#### **Documentation Requirements for Initial Application for 11.3**

* For each educational administrator, submit the following:
	+ Name of the educational administrator.
	+ Current copy of licensure as a special education administrator.
* or submit ALL of the following:
	+ Copy of DESE license as a special educator or copy of ELAR activity sheet;
	+ Evidence of a master’s degree in special education or a related field; and
	+ Current resume with a minimum of one year of administrative experience.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.3**

* For each educational administrator, submit the following:
	+ Name of the educational administrator.
	+ Current copy of licensure as a special education administrator.
* or submit ALL of the following:
	+ Copy of DESE license as a special educator or copy of ELAR activity sheet;
	+ Evidence of a master’s degree in special education or a related field; and
	+ Current resume with a minimum of one year of administrative experience.

### **APD 11.4 Teachers (Special Education Teachers and General Education Teachers)**

Requirements

 The program must ensure that all teaching staff have teaching licenses and endorsements (where required) 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:

1. All teaching staff shall be re-licensed pursuant to the requirements of 603 CMR 44.00 including obtaining supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04, if applicable.
2. To the extent that unlicensed teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.
3. To the extent that general education teachers are providing special education services, they shall do so in coordination with the special education teacher.
4. A program’s teacher who has knowledge about the education and learning progress of the student must be in attendance at the IEP meeting for the student.

At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the program; other teaching staff may be licensed in other educational areas, in order to provide for content expertise in the general curriculum. DESE may require a higher proportion of licensed special educators if, in the opinion of the DESE, the population requires more specialized services.

 The number of special education teachers and, if applicable, general education teachers must correspond with the Full Time Equivalents (FTEs) on the proposed/current program budget.

1. MA License, Registration, or Certification Number
2. License/Registration/Certification Expiration Date (yyyy-mm-dd), if applicable
3. MA Teacher's License Type
4. MA Teacher's Primary License Area
5. Years Completed Under License, if applicable
6. Grade Level(s) Currently Teaching & Grades Taught Outside Licensure Area(s), if applicable
7. % Time Teaching Grades Outside Primary License Area, if applicable
8. Subjects Taught Outside Primary License Area, if applicable
9. % Time Teaching Subjects Outside Primary License, if applicable

 [Massachusetts Special Education Regulations, 603 CMR 18.05(11)(f)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts Special Education Regulations, 603 CMR 28.09(2)(b)(6); 28.09(5)(a); 28.09(7)(b, c)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

[Code of Federal Regulations, 34 CFR 300.321](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.321)

#### **Documentation Requirements for Initial Application for 11.4**

* Review your submitted Staff Roster in the CHAMP system and confirm the following fields are completed for each licensed teacher (UFR 115, UFR 116)

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.4**

* Review your submitted Staff Roster in the CHAMP system and confirm the following fields are completed for each licensed teacher (UFR 115, UFR 116)

### **APD 11.5 Related Services Staff**

 Requirements

All staff providing or supervising the provision of related services (including medical personnel identified in criterion 16.2 Physician Consultation, 16.3 Nursing, as well as all consultants) shall be appropriately certified, licensed, or registered in their professional areas.

[Massachusetts Special Education Regulations, 603 CMR 28.09(7)(d)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 11.5**

* Submit Staff Roster in the CHAMP system.
* Submit current copies of licenses issued by DESE and/or the Massachusetts State Board of Registration.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.5**

* Review and update the submitted Staff Roster in the CHAMP system.
* Submit current copies of licenses issued by DESE and/or the Massachusetts State Board of Registration.

### **APD 11.6 Staff Roster**

 Requirements

The program maintains a master list of ALL staff for every position within the program. The staff positions must correspond to the proposed program budget. This list must include job titles and full-time equivalents (FTEs).

[Massachusetts Special Education Regulations, 603 CMR 28.09(7)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 11.6**

* Submit your Staff Roster in CHAMP.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.6**

* Review and update the submitted staff roster in CHAMP.

### **APD 11.7 Job Descriptions**

 Requirements

The program has written job descriptions for all staff positions that shall be made available to staff as well as parents if requested.

The responsibilities contained in the job description of the Educational Administrator shall include supervising the provision of special education services in the program and ensuring that the services specified in each student’s IEP are delivered.

[Massachusetts Special Education Regulations, 603 CMR 18.05(11)(d)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 11.7**

* Provide written job descriptions for all positions within the program.
* Job descriptions must clearly explain the roles and responsibilities of the position, the licenses and qualifications necessary to fulfill the requirements of the position, and the person to which the individual in the position reports.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.7**

* Provide written job descriptions for all positions within the program.
* Job descriptions must clearly explain the roles and responsibilities of the position, the licenses and qualifications necessary to fulfill the requirements of the position, and the person to which the individual in the position reports.

### **APD 11.9 Organizational Structure**

 Requirements

The program shall demonstrate that its organizational structure provides for the effective and efficient operation of the program, supervision of program staff, and supervision of students.

[Massachusetts Special Education Regulations, 603 CMR 28.09(7)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 11.9**

* Submit an organizational chart that illustrates and describes lines of supervision for staff and students.
* Organizational charts must include the program position titles for all staff.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.9**

* Submit an organizational chart that illustrates and describes lines of supervision for staff and students.
* Organizational charts must include the program position titles for all staff.

### **APD 11.10 Supervision of Direct Care Day**

 Requirements

Each program shall provide ongoing and regular supervision of all direct care workers by someone who has supervisory and administrative responsibility within the program.

Regularly scheduled conferences must occur between direct care workers and supervisors, and between teachers, direct care workers and other educational personnel.

[Massachusetts Special Education Regulations, 603 CMR 18.03(4)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03)

#### **Documentation Requirements for Initial Application for 11.10**

* Provide written policy and procedures that include the plan and frequency of provision of supervision for all direct care staff.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.10**

* Provide written policy and procedures that include the plan and frequency of provision of supervision for all direct care staff.

### **APD 11.11 Supervision of Students**

 Requirements

The program shall develop and implement a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any program-related activity on and off school grounds.

[Massachusetts Special Education Regulations, 603 CMR 18.03(1)(a)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03)

#### **Documentation Requirements for Initial Application for 11.11**

* Provide a written supervision plan for program-related activities on and off school grounds.
* Provide a written plan for supervision of individual and group recreational programs.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.11**

* Provide a written supervision plan for program-related activities on and off school grounds.
* Provide a written plan for supervision of individual and group recreational programs.

### **APD 11.12 Equal Access**

 Requirements

The program provides all students equal access to services, facilities, activities, and benefits regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness.

[United States Code, Title VI, 42 U.S.C. § 2000d](https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap21-subchapV-sec2000d);

[Code of Federal Regulations, 34 CFR 100.3(a)–(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-100/section-100.3) [34 CFR 106](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106?toc=1); [34 CFR 104](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104);

[United States Code, Equal Educational Opportunities Act, 20 U.S.C. § 1703(f)](https://www.govinfo.gov/app/details/USCODE-2015-title20/USCODE-2015-title20-chap39-subchapI-part2-sec1703)

[United States Code, Title IX, 20 U.S.C. § 1681](https://www.govinfo.gov/app/details/USCODE-2023-title20/USCODE-2023-title20-chap38-sec1681);

[United States Code, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[United States Code, Americans with Disabilities Act, Title II, 42 U.S.C. § 12132](https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap126-subchapII-partA-sec12132);

[Code of Federal Regulations, 28 CFR 35.130 (28 CFR 35.130); and United States Code, Every Student Succeeds Act (ESSA), Title I, Part A (ESSA, Title I, Part A)](https://www.ecfr.gov/current/title-28/chapter-I/part-35)

[United States Code, McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11431 (42 U.S.C. 11431); and Massachusetts Constitution, Amendment Article 114 (Mass. Const. amend. art. 114)](https://www.govinfo.gov/content/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap119-subchapVI-partB.htm)

[Massachusetts General Laws, Chapter 76, Section 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5);

[Massachusetts Regulations, 603 CMR 26.00](https://www.doe.mass.edu/lawsregs/603cmr26.html)

#### **Documentation Requirements for Initial Application for 11.12**

* Provide an Equal Access Policy that includes all protected categories in this criterion.

#### **Documentation Requirements for Program and Mid-Cycle Review for 11.12**

* Provide an Equal Access Policy that includes all protected categories in this criterion.

### **APD 12.1 New Staff Orientation and Training**

 Requirements

The program shall develop and implement a written plan for new staff orientation and training that is consistent with the needs of the student population and ensures an understanding of the school’s philosophy, organization, program, practices, and goals. The program shall describe in writing its plan for using volunteer services and how they shall be provided appropriate orientation, training, and supervision.

The written plan must also include evidence that each new staff member has received the DESE-mandated training topics (a-g).

1. Reporting abuse and neglect of students to DESE of Children and Families and/or the Disabled Persons Protection Commission;
2. Student discipline and behavior support procedures;
3. Program’s use of physical restraints;
4. Runaway policy;
5. Emergency procedures, including Evacuation Drills and Emergency Drills, utilization of the alarm system, and evacuations in instances of fire or natural disaster;
6. Civil rights responsibilities (discrimination and harassment) regarding race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness;
7. Bullying Prevention and Intervention;

NOTE: New staff must receive restraint training within one month of hire and shall not use restraint until training has been completed. New staff may not have direct care duties with students until all mandated training topics have been covered.

[Massachusetts Special Education Regulations, 603 CMR 18.05(11)(g) and 603 CMR 18.05(11)(i) (18.05(11)(g, i))](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts Special Education Regulations, 603 CMR 28.09(7)(f)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

Massachusetts Regulations, 603 CMR 46.04(2)

#### **Documentation Requirements for Initial Application for 12.1**

* Provide a written plan for new staff orientation and training.
* Training shall include evidence that each new staff member received all DESE-mandated training topics (12.2 a-g)
* Note: The written plan shall include using volunteer services and how they shall be provided with appropriate orientation, training, and supervision.

#### **Documentation Requirements for Program and Mid-Cycle Review for 12.1**

* 12.1 and 12.2 are combined for the review process.
* Provide a completed, signed, and dated attestation in 12.2.

### **APD 12.2 Inservice Training Plan and Calendar**

 Requirements

All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.

The following topics are required in-service training topics and must be provided annually to

all staff:

1. Reporting abuse and neglect of students to DESE of Children and Families and/or the Disabled Persons Protection Commission;
2. Student discipline and behavior support procedures;
3. Program’s use of physical restraints;
4. Runaway policy;
5. Emergency procedures, including Evacuation Drills and Emergency Drills, utilization of the alarm system, and evacuations in instances of fire or natural disaster;
6. Civil rights responsibilities (discrimination and harassment) regarding race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness;
7. Bullying Prevention and Intervention;
8. Medication administration, if applicable;
9. Discussion of medications students are currently taking and their possible side effects;
10. Transportation safety (for staff with transportation-related job responsibilities); and
11. Student record policies and confidentiality issues.

The following additional topics are required in-service training topics and must be provided annually to all teaching staff:

1. How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction and
2. Procedures for inclusion of all students in MCAS testing and/or alternate assessments.

[Massachusetts Special Education Regulations, 603 CMR 28.09(7)(f); 28.09(9)(b); 28.09(10)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [18.03(3)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03); [18.05(9)(e)(1); 18.05(10); 18.05(11)(h)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

[United States Code, Title VI of the Civil Rights Act, 42 U.S.C. § 2000d](https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap21-subchapV-sec2000d);

[Code of Federal Regulations, 34 CFR 100.3 (34 CFR 100.3)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-100/section-100.3); [34 CFR 106.31-106.42](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106?toc=1);

[United States Code, Equal Educational Opportunities Act, 20 U.S.C. § 1703(f)](https://www.govinfo.gov/app/details/USCODE-2015-title20/USCODE-2015-title20-chap39-subchapI-part2-sec1703)

[United States Code, Title IX of the Education Amendments, 20 U.S.C. § 1681](https://www.govinfo.gov/app/details/USCODE-2023-title20/USCODE-2023-title20-chap38-sec1681);

[Massachusetts General Laws, Chapter 76, Section 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5);

Massachusetts Regulations on Access to Equal Educational Opportunity, 603 CMR 26.00

#### **Documentation Requirements for Initial Application for 12.2**

* A detailed in-service training plan that includes all required elements and all mandated trainings.
* The Plan must reflect a minimum of:
	+ 20 training hours for a 10-month program,
	+ 22 training hours for an 11-month program, or
	+ 24 training hours for a 12-month program.
* All training topics provided:
	+ Position title of the person conducting the individual training sessions;
	+ The audiences to whom the training will be offered (i.e., special education teachers, direct care staff, social workers and volunteers/interns);
	+ The dates and times when the various training topics will be offered;
	+ Length of time for each topic (i.e., two hours);
	+ Description for outside training opportunities (i.e., MAAPS Conference, conferences on autism, etc.); and
	+ Description of how the program tracks and records individual staff attendance at trainings.

#### **Documentation Requirements for Program and Mid-Cycle Review for 12.2**

* 12.1 and 12.2 are combined for the review process.
* Provide completed, signed, and dated attestation.

### **APD 12.2(a) Required Training- Behavior Support and Restraint Training**

Requirements

Training on behavior support, suspension and termination procedures includes:

1. Program’s student conduct/discipline code;

2. Description of safeguards for students’ emotional, physical, and psychological well-being;

3. Policies on use of time-out procedures;

4. Techniques for dealing with disruptive and violent behavior;

5. Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy; and

6. Procedures for obtaining and recording data regarding student discipline and behavior along with a description of how such data will be integrated into IEP Team discussions.

[Massachusetts Special Education Regulations, 603 CMR 18.05(5, 6, 7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 12.2 (a)**

* Submit policy and procedures of behavior support and restraint training from policies and procedures manual.
* Address each of the requirements 1 – 6 individually.

#### **Documentation Requirements for Program and Mid-Cycle Review for 12.2 (a)**

* Submit policy and procedures of behavior support and restraint training from policies and procedures manual.
* Address each of the requirements 1 – 6 individually.

### **APD 12.2(c) Required Training- CPR Certification**

Requirements

 The program shall develop and implement a training plan for CPR Certification, which
 identifies:

* + 1. The staff positions/titles of staff to be trained;
		2. How many staff in each position/title will be trained; and
		3. The frequency of CPR training and certification.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(e)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 12.2 (c)**

* Submit policy and procedures for CPR training and certification.
* Provide the name and qualifications of the certified instructor providing the CPR training, if applicable.
* Provide the list of staff who are CPR trained, their position, and the expiration date of their current CPR certification.

#### **Documentation Requirements for Program and Mid-Cycle Review for 12.2 (c)**

* Submit policy and procedures for CPR training and certification.

### **APD 12.2(d) Required Training- Medication Training**

 Requirements

Training about the nature of a medication, potential side effects, and any special precautions or requirements shall be provided by a physician or registered nurse to all staff providing care or instruction to students for whom any staff administers medication.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(f)(3)(c)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 12.2 (d)**

* Submit policy and procedures for medication administration training. (required for staff who administer medication)
* Provide policy and procedures for medication side effects training. (required for all staff)

#### **Documentation Requirements for Program and Mid-Cycle Review for 12.2 (d)**

* Submit policy and procedures for medication administration training. (required for staff who administer medication)
* Provide policy and procedures for medication side effects training. (required for all staff)

### **APD 12.2(f) Required Training- Emergency Procedures**

 Requirements

The program shall conduct at least two evacuation drills per shift at each location annually to ensure that all students are able to leave the building safely.

The program shall conduct emergency drills (ex., lockdown of building, flood preparedness, use of firefighting equipment, gas leak, etc.) for staff, at least quarterly and under varied conditions, in order to:

1. Assure that all personnel are trained to perform assigned tasks;
2. Assure that all personnel are familiar with the use of firefighting equipment in the facility; and
3. Evaluate in writing the effectiveness of emergency plans and procedures after each emergency drill.

NOTE: A written log of each evacuation and emergency drill must be kept onsite that includes the date, time, and list of names of participants (students, staff and visitors.)

[Massachusetts Special Education Regulations, 603 CMR 18.05(10)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts Special Education Regulations, 603 CMR 28.09(11)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 12.2 (f)**

* Provide policy and procedures for Emergency Procedures that include all required elements.
* Provide a template to for evacuation/emergency drills that includes all required elements.

#### **Documentation Requirements for Program and Mid-Cycle Review for 12.2 (f)**

* Provide policy and procedures for Emergency Procedures that include all required elements.
* Provide a template for evacuation/emergency drills that include all required elements.

### **APD 13.2 Description of Physical Facility**

 Requirements

Kitchen, Dining, Bathing/Toilet, and Living Areas:

The program shall ensure that all kitchen, dining, bathing/toilet, and living areas are of an adequate type, size, and design appropriate to the ages and needs of the students. The program shall also:

1. Maintain areas that are clean, well-ventilated, and free from hazards;
2. Provide students with equipment, supplies, and materials (e.g., kitchen equipment, dining utensils, toilets, sinks, individual furniture, and storage space) that are clean, safe, safely stored, well-maintained, and appropriate to the ages and needs of the students; and
3. Design all living areas to simulate the functional arrangements of a home and to encourage a personalized atmosphere for small groups of students, unless the school can justify that another arrangement is necessary to serve the particular needs of the students enrolled in the school.

Classroom Space:

Each room or area that is utilized for the instruction of students shall be adequate with respect to the number of students, size, and age of students and students’ specific educational needs, physical capabilities, and educational/vocational activities.

Indoor Space:

The program shall have a minimum of thirty-five (35) square feet of activity space per student exclusive of hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices or areas regularly used for other purposes.

Additionally, all programs must:

1. Ensure that all areas, including but not limited to, floors, ceilings, and walls, are clean, well-maintained, and free from safety hazards;
2. Protect all steam and hot water pipes by permanent screen guards, insulations, or any other suitable device which prevents students from coming in contact with them;
3. Maintain room temperatures at not less than 68 degrees Fahrenheit at zero Fahrenheit outside and at not more than the outside temperature when the outside temperature is above 80 degrees Fahrenheit; and
4. Designate space separate from classroom areas for administrative duties and staff or parent conferences.

[Massachusetts Special Education Regulations, 603 CMR 18.04 (18.04)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=04);

[Massachusetts Special Education Regulations, 603 CMR 28.09(8)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 13.2**

* Provide a narrative description and floor plans of all buildings for each school and/or program The narrative and floor plan must include the number of floors and rooms in each building.

#### **Documentation Requirements for Program and Mid-Cycle Review for 13.2**

* Provide a narrative description and floor plans of all buildings for each school and/or program. The narrative and floor plan must include the number of floors and rooms in each building.

### **APD 13.4 Physical Facility/Architectural Barriers**

 Requirements

The program shall ensure that students with limited mobility have access, free from barriers to their mobility, to those areas of the buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All programs receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.

A program that enrolls students requiring wheelchairs shall have at least one entrance without steps and wide enough for a wheelchair, for each building utilized in carrying out the IEPs for such students.

If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible.

[Massachusetts Special Education Regulations, 603 CMR 18.04(8)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=04);

[United States Code, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973);

[Code of Federal Regulations, 34 CFR 104.21 and 34 CFR 104.22](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104?toc=1);

[Code of Federal Regulations, 28 CFR 35.149 and 28 CFR 35.150](https://www.ecfr.gov/current/title-28/chapter-I/part-35)

[United States Code, Americans with Disabilities Act, Title II, 42 U.S.C. § 12132](https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap126-subchapII-partA-sec12132);

#### **Documentation Requirements for Initial Application for 13.4**

* Provide narrative descriptions indicating accessibility status.
* If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible.

#### **Documentation Requirements for Program and Mid-Cycle Review for 13.4**

* If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible.

### **APD 13.7 Library/Resource Room**

 Requirements

In addition to the regular instructional area, the program shall have a variety of materials appropriate to the age and abilities of the students enrolled, and available to all enrolled students.

[Massachusetts Special Education Regulations, 603 CMR 18.04(6)(b)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=04)

#### **Documentation Requirements for Initial Application for 13.7**

* Provide a description of library or resource area, including types of materials available for student use.

#### **Documentation Requirements for Program and Mid-Cycle Review for 13.7**

* Provide a description of library or resource area, including types of materials available for student use.

### **APD 13.9 Outdoor Space**

 Requirements

The program shall maintain or have access to an outdoor play area of at least seventy-five square feet per student using it at any one time.

Outdoor play areas shall be accessible to direct sunlight and free from hazards and/or harsh or abrasive materials. If adjacent to a highway or other dangerous area, it shall be fenced with a non-climbable barrier at least five feet high.

[Massachusetts Special Education Regulations, 603 CMR 18.04(7)(b)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=04)

#### **Documentation Requirements for Initial Application for 13.9**

* Provide a description of outdoor areas available for student use.
* Schedule of outdoor activities for students.

#### **Documentation Requirements for Program and Mid-Cycle Review for 13.9**

* Provide a description of outdoor areas available for student use.

### **APD 14.2 Food and Nutrition**

 Requirements

Sending school districts and special education approved public day programs must collaborate to make breakfast and lunch available to publicly funded students with disabilities if they would have had access to such meals in their sending school district. Also, if a student is eligible for free or reduced-price meal benefits, that benefit must be available to the student while the student attends the approved special education day program. School districts are required to communicate with such out-of-district programs whenever a student is determined to be eligible for a free or reduced-price breakfast and/or lunch and/or whenever a student's eligibility status for school meals changes.

The approved special education day program’s staff shall provide for the nutritional and special dietary requirements of the students enrolled and provide an appropriate number of meals daily at reasonably appropriate times, which constitute a nutritionally adequate diet.

1. The program shall prepare and serve meals in a manner and amount appropriate to the nutritional needs of each student, including special dietary needs, consistent with applicable state and federal regulations.
2. The program shall encourage students to eat a well-balanced diet, but no student shall be force fed or otherwise coerced to eat against his/her will except where medically prescribed.
3. The program shall serve meals to students that are substantially the same as those served staff, unless age differences or special dietary needs require differences in diet.
4. The program shall allow students to eat at a reasonable, leisurely rate.
5. Staff shall be present to assure that each student receives adequate amounts and variety of food.
6. Programs that serve meals to students shall prepare written menus each week and shall maintain copies of menu plans for typical weeks.
7. Programs shall provide or arrange for nutritional or mid-morning snacks for students, where appropriate.

[Massachusetts Special Education Regulations, 603 CMR 18.03(7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03);

[Massachusetts General Laws, Chapter 69, Section 1C](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter69/Section1C)

#### **Documentation Requirements for Initial Application for 14.2**

* Provide a copy of the written plan that describes how the required communication between the special education approved day program and sending school district(s) occurs, addressing lunch and breakfast where applicable.
* Provide a plan to ensure meals are provided for all students who qualify for free/reduced meals.
* Provide a description for the method of purchase, storage, preparation, and serving of food.
* Provide position and contact information of staff responsible for oversight of purchase, storage, preparation, and serving of food.

#### **Documentation Requirements for Program and Mid-Cycle Review for 14.2**

* Provide a plan to ensure meals are provided for all students who qualify for free/reduced meals.

### **APD 14.3 Toileting Procedures and Individual Plans**

 Requirements

The program shall develop and implement a written plan describing procedures for regular toileting and diapering, disposal or laundering of soiled clothing or diapers, maintenance of extra clean, dry indoor clothing and protecting the personal privacy of all students.

The program shall toilet train students requiring such training in accordance with the plan requested by the parents or the IEP for the student and in accordance with the student’s physical and emotional disabilities

[Massachusetts Special Education Regulations, 603 CMR 18.03(8)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03)

#### **Documentation Requirements for Initial Application for 14.4**

* Provide policy and procedures for toileting plans for applicable students.
* Name and Title of person(s) responsible for oversight

#### **Documentation Requirements for Program and Mid-Cycle Review for 14.4**

* Provide policy and procedures for toileting plans for applicable students.
* Name and Title of person(s) responsible for oversight.

### **APD 15.3 Information to be Translated into Languages Other Than English**

 Requirements

When students have parents or guardians with limited English language skills, the program ensures that important program information is sent to them in a timely manner and provided to them in a language that they understand, either through written translations of documents or through oral interpreters

[United States Code, Title VI of the Civil Rights Act of 1964 (Title VI)](https://www.justice.gov/crt/fcs/TitleVI);

[United States Code, Equal Educational Opportunities Act, 20 U.S.C. § 1703(f)](https://www.govinfo.gov/app/details/USCODE-2015-title20/USCODE-2015-title20-chap39-subchapI-part2-sec1703)

[Massachusetts General Laws, Chapter 76, Section 5 (M.G.L. c. 76, § 5)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5);

Massachusetts Regulations, 603 CMR 26.02(2)

#### Documentation Requirements for Initial Application for 15.3

* Provide a description of how the program will respond promptly to parent/guardian requests to have other important program information translated on demand, either orally or in writing.

#### Documentation Requirements for Program and Mid-Cycle Review for 15.3

* Provide a description of how the program will respond promptly to parent/guardian requests to have other important program information translated on demand, either orally or in writing.

### **APD 15.4 Change of Student’s Legal Status**

 Requirements

The program shall develop and implement written policies and procedures assuring that it is informed by a parent or guardian of any changes in a student’s legal status, and of the results of all judicial and administrative proceedings concerning the student. Written procedures shall additionally address disseminating this information to the appropriate staff.

[Massachusetts Special Education Regulations, 603 CMR 18.05(4)(b)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### Documentation Requirements for Initial Application for 15.4

* Provide written policy and procedures addressing changes in students’ legal status from policies and procedures manual.

#### Documentation Requirements for Program and Mid-Cycle Review for 15.4

* Provide written policy and procedures addressing changes in students’ legal status from policies and procedures manual.

### **APD 15.5 Parent Consent and Required Notification**

 Requirements

The program shall develop and implement policies and procedures to work with school districts to obtain the following consents:

Annual Consent:

1. Emergency medical treatment
2. Medication Administration, if applicable

Required Consent When applicable:

1. Research
2. Experimentation
3. Fundraising
4. Publicity and
5. Observation

Required Notification:

1. The program’s policies and procedures shall include, when applicable, notification pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues.
2. Availability of all Policies and Procedures (Criterion 3.1).
3. Behavior Support Policy and Procedures (Criterion 9.1).
4. Physical Restraint Policy and Procedures (Criterion 9.4).
5. Bullying Prevention and Intervention Plan (Criterion 20).

[Massachusetts Special Education Regulations, 603 CMR 18.05(4)(b)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 15.5**

* Provide a written policy and procedures to obtain required consents and provide written notification to parents/guardians that includes:
	+ Plan/timeline to distribute documentation to parents/guardians;
	+ Plan to track receipt of required consents;
	+ Procedures to work with school districts to obtain the required documents;
* Requirement to document:
	+ Provision of consent forms and notifications to parents/guardians, annually;
	+ Receipt of signed and dated consents and/or efforts to obtain;
* Also include:
	+ Provide a copy of Annual consent forms used by the program.
	+ Provide a copy of the required annual notification for elements 1-5.

#### **Documentation Requirements for Program and Mid-Cycle Review for 15.5**

* The program will respond to policy and procedure questions during Data Collection. DESE will verify documentation in student records while on-site.
* The following must be evident in the student record:
	+ Required annual consent forms signed and dated by parent/guardian.
	+ Documentation to confirm required notifications were provided to parent/guardian.

### **APD 15.8 Registering Complaints and Grievances –Parents, Students and Employees**

 Requirements

1. The program shall develop, implement and make available to parents and, when applicable,students a set of written procedures that may be used to register complaints regarding the student’s education and care at the program that include specific timelines and the appeals process.
2. The program must also adopt and publish grievance procedures for studentsproviding for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness) that include specific timelines and the appeals process.
3. The program must also adopt and publish grievance procedures foremployeesproviding for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness) that include specific timelines and the appeals process.

[Massachusetts Special Education Regulations, 603 CMR 18.05(1)(b)(16)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[United States Code, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d](https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap21-subchapV-sec2000d); [Title IX: 20 U.S.C. 1681](https://www.justice.gov/crt/title-ix-education-amendments-1972)

[Code of Federal Regulations, 34 CFR 100.3(a)–(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104?toc=1) ,; [34 CFR 106](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104?toc=1); [34 CFR 104](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104?toc=1); [28 CFR 35.130](https://www.ecfr.gov/current/title-28/chapter-I/part-35);

[United States Code, Equal Educational Opportunities Act, 20 U.S.C. § 1703(f)](https://uscode.house.gov/view.xhtml?req=discrimination&f=treesort&num=263&edition=prelim);

[United States Code, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973);

[United States Code, Americans with Disabilities Act, Title II, 42 U.S.C. § 12132](https://www.govinfo.gov/app/details/USCODE-2023-title42/USCODE-2023-title42-chap126-subchapII-partA-sec12132);

[United States Code, Every Student Succeeds Act (ESSA), Title I, Part A, 42 U.S.C. § 11431](https://nche.ed.gov/legislation/mckinney-vento/);

[Massachusetts Constitution, Amendment Article 114 (Mass. Const. amend. art. 114)](https://malegislature.gov/Laws/Constitution#amendmentArticleXLVIII)

[Massachusetts General Laws, Chapter 76: School Attendance (M.G.L. c. 76)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5);

Massachusetts Regulations, Access to Equal Educational Opportunity, 603 CMR 26.00 (603 CMR 26.00)

#### **Documentation Requirements for Initial Application for 15.8**

* Provide a written policy and procedures that include:
	+ Position and contact information of staff responsible for addressing students’ education and care complaints.
	+ Position and contact information of staff responsible for addressing discrimination complaints made on behalf of employees and students.
	+ Written policy and procedures on complaint procedures.
	+ Written grievance policy and procedure for students.
	+ Written grievance policy and procedure for employees.
	+ How written procedures are made available to students, parents, and employees on how to file complaints or grievances.

#### **Documentation Requirements for Program and Mid-Cycle Review for 15.8**

* Provide a written policy and procedures that include:
	+ Position and contact information of staff responsible for addressing students’ education and care complaints.
	+ Position and contact information of staff responsible for addressing discrimination complaints made on behalf of employees and students.
	+ Written policy and procedures on complaint procedures.
	+ Written grievance policy and procedure for students.
	+ Written grievance policy and procedure for employees.
	+ How written procedures are made available to students, parents, and employees on how to file complaints or grievances.

### **APD 16.2 Physician Consultation**

 Requirements

The program shall have a licensed school physician available for consultation.

NOTE**:** School Physician means a physician appointed by a School Committee or Board of Health in accordance with M.G.L c. 71, §§ 53, 53A, and 53B or by the Board of Directors.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(a)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts General Laws, Chapter 71, Sections 53, 53A, and 53B](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section38R)

#### Documentation Requirements for Initial Application for 16.2

* Provide a narrative description of the services the appointed physician will provide to the program.
* Current License for each physician must be uploaded under Criterion 11.5, Related Services Staff.

#### Documentation Requirements for Program and Mid-Cycle Review for 16.2

* Current License for each physician consultant must be uploaded under 11.5, Related Service Staff.

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### **APD 16.3 Nursing**

 Requirements

The program shall have a registered nurse available as deemed necessary by DESE depending upon the health care needs of the program’s population.

NOTE: School Nurse means a nurse practicing in a program setting who is:

1. A graduate of an approved school for professional nusing;
2. Currently licensed as a Registered Nurse pursuant to M.G.L. Chapter 112; and
3. Appointed by the School Committee or Board of Health in Accordance with M.G.L. Chapter 71 §§ 53, 53A, and 53B.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(b)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts General Laws, Chapter 112: Professions and Occupations (M.G.L. c. 112)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter112);

[Massachusetts General Laws, Chapter 71, Sections 53, 53A, and 53B](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section38R)

#### **Documentation Requirements for Initial Application for 16.3**

* Explain how the nurse’s (nurses’) availability is sufficient to meet the medical needs of the student population.
* Current license for each nurse must be uploaded under 11.5 Related Services.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.3**

* Current license for each nurse must be uploaded under 11.5, Related Services Staff.

### **APD 16.4 Emergency First Aid and Medical Treatment**

 Requirements

The program shall develop and implement policies and procedures for emergency first aid and medical treatment, including:

1. No emergency first aid or medical treatment is administered to a student without written authorization from a parent. Such authorization shall be renewed annually;
2. Secure storage of adequate first aid supplies, including but not limited to bandages, body substance isolation gloves, gauze, adhesive tape, and cleaning solutions;
3. Easy access to first aid supplies in major activity areas;
4. Procedures to be followed in the case of illness or emergency, including methods of transportation and notification of parents;
5. A procedure for informing parents, or DESE of Children and Families if appropriate, of any medical care administered to their child other than basic first aid. (For students in DESE of Children and Families care or custody, an Educational Surrogate Parent shall not have authority to consent to routine or other medical care. For such students, consent shall be obtained consistent with the applicable Department of Children and Families requirements); and
6. Procedures to be followed in the case of illness or emergency if parents cannot be reached.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(e) and 18.05(9)(f)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 16.4**

* Provide written policy and procedures for emergency first aid and treatment that address 1-6 in this criterion.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.4**

* Provide written policy and procedures for emergency first aid and treatment that address 4-6 in this criterion.

### **APD 16.5 Administration of Medication**

 Requirements

The program shall develop and implement written policy and procedures regarding the administration of medication, including, but not limited to, the following:

1. No medication is administered to a student without written authorization from a parent. Such authorization shall be renewed annually.
2. No prescription medication shall be administered to a student without the written order of the physician prescribing the medication to that student.
3. The program maintains written policies and procedures regarding the prescription and administration of medication including authorization, prepackaging, and staff training.
4. Any change of medication or dosage must be authorized by a new order from a physician.
5. A written record shall be maintained of the prescription of medication to students. A written record shall also be maintained of the administration of prescribed medication to students and trained staff by a licensed physician or registered nurse. Significant side effects of medications shall also be recorded.
6. All medicine shall be kept in a locked, secure cabinet and labeled with the student's name, the name of the drug, and the directions for its administration.
7. The program shall dispose of or return to the parents any unused medication.
8. Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist.
9. Provisions must be made for the refrigeration of medications when necessary.
10. The program shall have a written policy regarding the amount of medication to be kept on the premises at any one time for each student receiving medication.
11. A review of medications administered to a student shall be incorporated into all case reviews conducted at the program with staff regarding the student.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(f)(8)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 16.5**

* Provide written policy and procedures for medication administration that address 1-11 in this criterion.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.5**

* Provide written policy and procedures for medication administration that address 1-11 in this criterion.

### **APD 16.6 Administration of Antipsychotic Medication**

 Requirements

The program shall develop and implement written policy and procedures for the administration of antipsychotic medication. The policy shall include that the school shall not administer or arrange for the administration of antipsychotic medication (drugs used in treating psychoses and alleviating psychotic states) except under the following circumstances:

* 1. Antipsychotic medication shall be prescribed by a licensed physician for the diagnosis, treatment, and care of the child and only after review of the student's medical record and actual observation of the student.
	2. The prescribing physician shall submit a written report to the program detailing the necessity for the medication, staff monitoring requirements, potential side effects that may or may not require medical attention, and the next scheduled clinical meeting or series of meetings with the student.
	3. No antipsychotic prescription shall be administered for a period longer than is medically necessary and students on antipsychotic medication must be carefully monitored by a physician.
	4. Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention, and required monitoring or special precautions, if any.
	5. Except in an emergency, as defined in 18.05 (9)(g), the program shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. If a student is in the custody of his/her parent(s), parental consent in writing is required. Parental consent may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified, and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency, or an out-of-state public or private agency, the referral source shall be notified, and judicial approval shall be sought.
	6. In an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action and there is no less intrusive alternative to the medication. The treating physician must determine that medication is necessary to prevent the immediate substantial and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 18.05(9)(e).
	7. The program shall inform a student twelve years of age and older, consistent with the student's capacity to understand, about the treatment, risks, and potential side effects of such medication. The program shall specify and follow procedures if the student refuses to consent to the administration of the medication.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(f)(9)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 16.6**

* Provide policy and procedures for the administration of antipsychotic medication that address 1-7 in this criterion.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.6**

* Provide policy and procedures for the administration of antipsychotic medication that address 1-7 in this criterion.

### **APD 16.7 Preventive Health Care**

 Requirements

The program shall describe in writing a plan for the preventive health care of students:

1. 603 CMR 18.05(9)(g)(1) Dental The program, in cooperation with the student's parents and/or human service agency, which is responsible for payment, shall make provision for each student to receive an annual comprehensive dental examination.
2. 603 CMR 18.05(9)(g)(1) Physical The program shall ensure that every student be separately and carefully examined by a duly licensed physician, nurse practitioner, or physician assistant upon admission (within one year prior to entrance to program or 30 days after program entry) and annually afterward. The program shall require a written report from the physician(s) of the results of the examination and any recommendation and/or modification of the student's activity.
3. The program shall have policies and procedures for assuring that a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school and for notifying all parents and referring agencies of the introduction of a reported communicable disease into the program. The local board of health must be notified in accordance with M.G.L. c. 111, § 111.
4. The program shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects, and matches out of the reach of students. Medications and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with their contents and antidotes. The phone number for the nearest poison center must be posted clearly.
5. Where appropriate, the program shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation.
6. The program shall require that all students have necessary immunizations as required by DESE of Public Health.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(g)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts General Laws, Chapter 71, Section 57](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section38R);

[Massachusetts General Laws, Chapter 111, Section 111](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section111).

#### **Documentation Requirements for Initial Application for 16.7**

* Provide a written plan for preventive health care of students that addresses 1-6 in this criterion.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.7**

* Provide a written plan for preventive health care of students that addresses 1-6 in this criterion.

### **APD 16.8 Receipt of Medical Treatment – Religious Beliefs**

 Requirements

The program shall develop and implement a written policy and procedures regarding receipt of medical treatment based on religious beliefs. The policy must include that programs shall not require a student to receive medical treatment when a parent objects on the grounds of sincere religious belief, absent emergency, or epidemic of disease declared by the Department of Public Health.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(k)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 16.8**

* Provide written policy and procedures regarding the receipt of medical treatment based on religious belief.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.8**

* Provide written policy and procedures regarding the receipt of medical treatment based on religious belief.

### **APD 16.11 Student Allergies**

 Requirements

The program shall develop and implement written policies and procedures for protecting students from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(h)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

#### **Documentation Requirements for Initial Application for 16.11**

* Provide written policy and procedures regarding student allergies, including where they are maintained and how information is made available to staff.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.11**

* Provide written policy and procedures regarding student allergies, including where they are maintained and how information is made available to staff.

### **APD 16.12 No Smoking Policy**

 Requirements

The program shall develop and implement a written policy that prohibits the use of any tobacco products within the program buildings, the program facilities, or on the program grounds or on buses by any individual, including program personnel.

[Massachusetts Special Education Regulations, 603 CMR 18.05(9)(a), 18.05(9)(e), and 18.05(9)(f)18.05(9)(a)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05);

[Massachusetts General Laws, Chapter 71, Sections 53, 53A, and 53B](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section38R)

#### **Documentation Requirements for Initial Application for 16.12**

* Provide a copy of the no tobacco use policy.

#### **Documentation Requirements for Program and Mid-Cycle Review for 16.12**

* Provide a copy of the no tobacco use policy.

### **APD 17.1 Transportation Safety**

 Requirements

If there are staff from the program who transport students, the program shall develop and implement transportation procedures that ensure that vehicles are safe, insured, and operated by qualified and trained individuals and that students are transported in a safe manner that is responsive to individual students’ needs and provisions of their IEPs.

Programs that use staff to transport students must have a copy of the current license of the employee on-site.

[Massachusetts Special Education Regulations, 603 CMR 28.09(11)(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

#### **Documentation Requirements for Initial Application for 17.1**

* Provide policy and procedures on transportation safety.
* For Staff who transport students, the program must have a current driver's license on-site.

#### **Documentation Requirements for Program and Mid-Cycle Review for 17.1**

* Provide policy and procedures on transportation safety.
* For Staff who transport students, the program must have a current driver's license on-site.

### **APD 18.1 Confidentiality of Student Records**

 Requirements

Programs shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files consistent with the Massachusetts Student Record Regulations 603 CMR 23.00 and M.G.L. c. 71, § 34H.

1. The program shall make the individual records of enrolled Massachusetts students available to DESE upon request.
2. Staff notes or reports regarding a student shall be legibly dated and signed by persons making entries.
3. A log of access shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating:
4. the name, position and signature of the person releasing the information;
5. the name, position and, if a third party, the affiliation of the person who is to receive the information;
6. the date of access;
7. the parts of the record to which access was obtained; and
8. the purpose of such access.

**NOTE:** Unless student record information is to be deleted or released, this log requirement shall not apply to authorized school personnel who inspect the student record, administrative office staff and clerical personnel who add information to or obtain access to the student record and the school nurses who inspect the student health record.

[Massachusetts Special Education Regulations, 603 CMR 28.09(5)(a) (28.09(5)(a))](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09);

[Massachusetts Regulations, Student Records Regulations, 603 CMR 23.00](https://www.doe.mass.edu/lawsregs/603cmr23.html?section=all);

[Massachusetts General Laws, Chapter 71, Section 34H](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section34H) ;

[Code of Federal Regulations, IDEA Confidentiality of Information, 34 CFR §§ 300.610–300.626 (34 CFR 300.610–300.626)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.320)

#### **Documentation Requirements for Initial Application for 18.1**

* Provide a copy of the log of access form with all required elements of this criterion, including the Note.

#### **Documentation Requirements for Program and Mid-Cycle Review for 18.1**

* Provide a copy of the log of access form with all required elements of this criterion, including the Note.

### **APD 19 Anti-Hazing**

 Requirements

1. The principal/education director of each school program serving secondary school-age students issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, as well as a copy of the school program's anti-hazing disciplinary policy approved by the program's Board of Director's.
2. Each school program serving secondary school-age students files, at least annually, a report with DESE certifying:
3. Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19;
4. Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and
5. That the hazing policy has been included in the student handbook or other means of communicating school program policies to students.

[Massachusetts General Laws, Chapter 269, Sections 17 through 19](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269);

[Massachusetts Regulations, 603 CMR 33.00](https://www.doe.mass.edu/lawsregs/603cmr33.html?section=02)

#### **Documentation Requirements for Initial Application for 19**

* Procedure to report the following to DESE by October 1 each year
* Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19;
	+ Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and
	+ That the hazing policy has been included in the student handbook or other means of communicating school program policies to students.
	+ A description of how the program provides to each secondary student, annually:
		- A copy of M.G.L. c. 269 §§ 17 through 19, to every student
		- A copy of the school program's anti-hazing disciplinary policy.

#### **Documentation Requirements for Program and Mid-Cycle Review for 19**

* Student record review to confirm distribution of:
	+ A copy of M.G.L. c. 269 §§ 17 through 19, to every student
	+ A copy of the school program's anti-hazing disciplinary policy.

### **APD 20 Bullying Prevention and Intervention**

 Requirements

1. Employee and student handbooks/policies and procedures must contain relevant sections of the Bullying Prevention and Intervention Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students.
2. Each year, all programs must give parents and guardians annual written notice of the student-related sections of the local plan.
3. Each year, all programs must provide all staff with an annual written notice of the plan.
4. The highest-level administrator or designee of the program must communicate with the chief of police department about implementing the anti-bullying and retaliation plan before the beginning of the school year.
5. Timely notice of bullying and retaliation will be given to the parents of the victim and aggressor, and the school’s procedures for responding to the bullying or retaliation. Notice will be provided in the home language. The program may not disclose information from a student record of a target or aggressor to a parent unless the information is about the parent’s own child.
6. The program shall notify the local law enforcement agency if it has a reasonable basis to believe that criminal charges may be pursued against the aggressor.
7. All programs must implement, for all staff, professional development that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who are 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.

[Massachusetts General Laws, Chapter 71, Section 37H](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H);

[Massachusetts General Laws, Chapter 71, Section 37O(d) and Section 37O(e)(1)–(2)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H);

[Massachusetts Regulations, Student Discipline Reporting Requirements, 603 CMR 49.00](https://www.doe.mass.edu/lawsregs/603cmr49.html)

#### **Documentation Requirements for Initial Application for 20**

* Provide the Bullying Prevention and Intervention Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students.
* Describe how the Bullying Prevention and Intervention Plan information is distributed to parents, students, and school staff annually.
* Describe the professional development offered by the program for all staff for the school year and evidence of its implementation, to include dates and copies of the agendas.

#### **Documentation Requirements for Program and Mid-Cycle Review for 20**

* Provide the Bullying Prevention and Intervention Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students.
* Describe how the Bullying Prevention and Intervention Plan information is distributed to parents, students, and school staff annually.
* Describe the professional development offered by the program for all staff for the school year and evidence of its implementation, to include dates and copies of the agendas

## Monitoring Cycle For Approved Publicly Operated Special Education School Programs and Collaboratives

DESE’s Office of Approved Special Education Schools (OASES) oversees compliance with education requirements in collaborative programs through its Program Review (PR) system. The collaborative program reviews cover selected requirements in the following areas:

Collaborative Special Education (CSE)

* Selected requirements from the [federal Individuals with Disabilities Education Act (IDEA 2004)](https://www.ed.gov/laws-and-policy/individuals-disabilities/idea); [the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71B); and the [Massachusetts Board of Elementary and Secondary Education’s Special Education regulations (603 CMR 28.00).](https://www.doe.mass.edu/lawsregs/603cmr28.html)

Collaborative Civil Rights and Other General Education Requirements (CCR)

* Selected federal civil rights requirements, including requirements under [Title VI of the Civil Rights Act of 1964](https://www.justice.gov/crt/fcs/TitleVI); the [Equal Educational Opportunities Act of 1974](https://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter39&edition=prelim); [Title IX of the Education Amendments of 1972](https://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter39&edition=prelim); [Section 504 of the Rehabilitation Act of 1973](http://www.ed.gov/laws-and-policy/individuals-disabilities/section-504); and [Title II of the Americans with Disabilities Act of 1990](https://www.govinfo.gov/content/pkg/USCODE-2016-title42/html/USCODE-2016-title42-chap126-subchapII.htm), together with selected state requirements under [M.G.L. c. 76, § 5 as amended by Chapter 199 of the Acts of 2011](https://malegislature.gov/Laws/SessionLaws/Acts/2011/Chapter199) and [M.G.L. c. 269 §§ 17 through 19](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/section17).
* Selected requirements from the [Massachusetts Board of Elementary and Secondary Education’s Physical Restraint regulations (603 CMR 46.00).](https://www.mass.gov/regulations/603-CMR-4600-prevention-of-physical-restraint-and-requirements-if-used#:~:text=School%20personnel%20shall%20use%20physical,result%20of%20the%20use%20of)
* Selected requirements from the [Massachusetts Board of Elementary and Secondary Education’s Student Learning Time regulations (603 CMR 27.00).](https://www.doe.mass.edu/lawsregs/603cmr27.html)
* Selected requirements governing [Bullying Prevention and Intervention under M.G.L. c. 71, § 37H, as amended by Chapter 92 of the Acts of 2010](https://malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92) and as amended by [sections 72-74 of Chapter 38 of the Acts of 2013; M.G.L. c. 71, § 37O](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section37O).
* Various requirements under other federal and state laws.

Approved Public Day Program Standards (APD)

* Selected requirements from the [Massachusetts Board of Elementary and Secondary Education Special Education regulations (603 CMR 28.09).](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)
* Selected requirements from the [Massachusetts Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs (603 CMR 18.00).](https://www.mass.gov/regulations/603-CMR-1800-program-and-safety-standards-for-approved-public-or-private-day-and-residential-special-education-school-programs)
* Selected requirements from the [Massachusetts Physical Restraint regulations (603 CMR 46.00).](https://www.mass.gov/regulations/603-CMR-4600-prevention-of-physical-restraint-and-requirements-if-used)

All Special Education Approved Public Day Programs will be scheduled for a full Program Review every six years, and a Mid-cycle Review occurring during the third year of that six-year cycle which will occur as a component of the review process for the Educational Collaborative.

[Collaborative Review Cycle](https://www.doe.mass.edu/oases/crs/default.html)

For initial applicants that already have another existing, approved program, the newly approved program will be placed on the same approval cycle as the existing programs.

### **CSE 5 Participation in General State and District-Wide Assessment Programs**

 Requirements

All students with disabilities, including those enrolled in out-of-district placements, are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs.

[Massachusetts Special Education Regulations, 603 CMR 30.05(2), (3), (5)](https://www.bing.com/ck/a?!&&p=2c232b81bf941d7e701b3e7ceb0597fe48494e9c6cb3173d8af45b8e379313b3JmltdHM9MTc1OTM2MzIwMA&ptn=3&ver=2&hsh=4&fclid=0e5ccb7d-6c5f-6efa-3924-debc6daa6f9b&psq=Massachusetts+Special+Education+Regulations%2c+603+CMR+30.05(2)%2c+(3)%2c+(5)&u=a1aHR0cHM6Ly93d3cuZG9lLm1hc3MuZWR1L2xhd3NyZWdzLzYwM2NtcjMwLmh0bWw_c2VjdGlvbj1hbGw)

[20 United States Code U.S.C. 1412(a)(16)](https://www.bing.com/ck/a?!&&p=b30fe3ca954fc23c5f23a4ac5a2ff108f89b5407260c5715ab74777e65de3a66JmltdHM9MTc1OTM2MzIwMA&ptn=3&ver=2&hsh=4&fclid=0e5ccb7d-6c5f-6efa-3924-debc6daa6f9b&psq=20+U.S.C.+1412(a)(16)&u=a1aHR0cHM6Ly9zaXRlcy5lZC5nb3YvaWRlYS9zdGF0dXRlLWNoYXB0ZXItMzMvc3ViY2hhcHRlci1paS8xNDEyL2EvMTY)

[Administrative Advisory SPED 2002 – 4 Special Education Students in Out of District Placements – Participation in MCAS Testing and High School Graduation Standards.](https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2002-4.html)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 5**

* Provide written policy and procedures ensuring student participation in state/district-wide assessments

### **CSE 6 Determination of Transition Services**

 Requirements

The Team discusses the student’s transition needs annually beginning no later than when the student is 14 years old and documents its discussion on the Transition Planning Form.

[Massachusetts General Law Chapter 71B § 12 A-C](https://www.bing.com/ck/a?!&&p=dddec9ec838c3d83f598680f8e742fe767bfd2a2ebbfa2375a47bf9da8abf43cJmltdHM9MTc1OTM2MzIwMA&ptn=3&ver=2&hsh=4&fclid=0e5ccb7d-6c5f-6efa-3924-debc6daa6f9b&psq=massachusetts+general+law+chapter+71b+%c2%a7+12+a-c+a+summary&u=a1aHR0cHM6Ly9tYWxlZ2lzbGF0dXJlLmdvdi9MYXdzL0dlbmVyYWxMYXdzL1BhcnRJL1RpdGxlWElJL0NoYXB0ZXI3MUIvU2VjdGlvbjEyQQ)

[Massachusetts Regulation 603 CMR 28.05(4)(c)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=05)

[Code of Federal Regulation 34 CFR300.320(b), 300.320(b), 300.322 (b)(2), 300.324(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.320)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 6**

* Provide written policy and procedures for Transition Planning.

### **CSE 13 Progress Reports and content\***

 Requirements

**\*Also APD 8.8 where applicable.**

1. Parents receive reports on the student’s progress toward reaching the goals set in the IEP;
2. Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP;
3. The program shall send copies of progress reports to the parents/guardians, public school districts, and state agencies, if applicable; and
4. Progress reports must reflect the IEP most recently issued by the responsible school district and consented to by the parent/student/guardian.

**NOTE:** Progress Report must contain a description of:

1. How the child's progress toward meeting the annual goals will be measured; and
2. When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

**NOTE**: Copies of all progress reports shall be maintained in student records, including documentation of all persons receiving such reports.

[Massachusetts Special Education Regulations, 603 CMR 28.07(3)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=07);

[Code of Federal Regulations, 34 CFR 300.320(a)(3)(i)–(ii)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.320)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 13 and APD 8.8**

* Provide a description of how the program documents in student records that parents/guardians, public school districts, and state agencies, if applicable, receive copies of progress reports.
* Description of the collaborative procedures for providing summaries of academic achievement and functional performance upon graduation or aging out.

### **CSE 22 IEP Implementation and Availability\***

 Requirements

**\*Also APD 8.5 where applicable.**

1. Parents receive reports on the student’s progress toward reaching the goals set in the IEP;
2. Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP;
3. The program shall send copies of progress reports to the parents/guardians, public school districts, and state agencies, if applicable; and
4. Progress reports must reflect the IEP most recently issued by the responsible school district and consented to by the parent/student/guardian.

**NOTE:** Progress Report must contain a description of:

1. How the child's progress toward meeting the annual goals will be measured; and
2. When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

**NOTE**: Copies of all progress reports shall be maintained in student records, including documentation of all persons receiving such reports.

[Massachusetts Special Education Regulations, 603 CMR 28.05(7)(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=05)

[Massachusetts Special Education Regulations, 603 CMR 28.06(2)(d)(2)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06)

[Code of Federal Regulations 34 CFR 300.323](https://www.bing.com/ck/a?!&&p=87cdc490dc54b9a83d08629075899fcd008858159573bb449d0155ed20fc90b5JmltdHM9MTc1OTM2MzIwMA&ptn=3&ver=2&hsh=4&fclid=0e5ccb7d-6c5f-6efa-3924-debc6daa6f9b&psq=Code+of+Federal+Regulations+34+CFR+300.323&u=a1aHR0cHM6Ly93d3cuZWNmci5nb3YvY3VycmVudC90aXRsZS0zNC9zdWJ0aXRsZS1CL2NoYXB0ZXItSUlJL3BhcnQtMzAwL3N1YnBhcnQtRC9zdWJqZWN0LWdyb3VwLUVDRlIyOGIwN2U2NzQ1MmVkN2Evc2VjdGlvbi0zMDAuMzIz)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 22 and APD 8.5**

* Provide a description of how the program documents in student records that parents/guardians, public school districts, and state agencies, if applicable, receive copies of progress reports.

### **CSE 29 Communications are in English and Primary Language of Home**

 Requirements

1. Communications with parents are in clear and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented.
2. If the collaborative provides notices orally or in some other mode of communication that is not written language, the collaborative keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice, and (c) of the steps taken to ensure that the parent understands the content of the notice.

[Massachusetts Special Education Regulations, 603 CMR 28.07(8)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=07)

[Code of Federal Regulations 34 CFR 300.322(e), 300.503(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR28b07e67452ed7a/section-300.322)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 29**

* Provide a description of how the program will respond promptly to parent/guardian requests to have other important program information translated on demand, either orally or in writing.

### **CSE 35 Assistive Technology: specialized materials and equipment**

 Requirements

*Assistive technology device* means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

*Assistive technology service* means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

* + 1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
		2. In collaboration with the public school district and as determined by each individual IEP, purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
		3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
		4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
		5. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
		6. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

In developing each student’s IEP, the IEP Team must consider whether the student needs assistive technology devices and services. Each public agency must ensure that assistive technology devices and services are made available to a student with a disability if required as a part of the student's special education, related services, and/or supplementary aids and services.

* + If the Team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should conduct the assessment with the student and family being included in the evaluation process.
	+ In instances when assistive technology devices and/or services are determined as required, the Team must further determine and document which settings (classroom, home or other) in which the student needs access to those devices and services in order to assure provision of FAPE.

The IEP Team must also consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.

[Massachusetts Special Education Regulations, 603 CMR 28.04(2)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=04)

[Assistance Advisory SPED 2018-3 Addressing the Communication Needs of Students with Disabilities through Augmentative and Alternative Communication (AAC)](https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2018-3ta.html)

[Code of Federal Regulations 34 CFR 300.5, 300.6, 300.105, 300.324(a)(2)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.5)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 35**

* Provide a current list of specialized materials and equipment available in the collaborative.

### **CSE 40 Instructional Grouping Requirements for Students Aged Five and Older**

 Requirements

1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP.
2. Instructional grouping size requirements are maximum sizes and the collaborative exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs.
3. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students’ school schedule, group size does not exceed
* 8 students with a certified special educator,
* 12 students if the certified special educator is assisted by 1 aide, and
* 16 students if the certified special educator is assisted by 2 aides.
1. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students’ school schedule, the collaborative provides instructional groupings that do not exceed
* 8 students to 1 licensed special educator, or
* 12 students to 1 licensed special educator and 1 aide.
1. After the school year has begun, if instructional groups have reached maximum size as delineated in parts 3 and 4 of this criterion, the administrator of the program, collaborative director and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than 2 additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school.
2. In such cases, the administrator provides prior notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.
3. The collaborative takes all steps necessary to reduce the instructional groups to the sizes outlined in parts 3 or 4 of this criterion for subsequent years. Such steps are documented by the collaborative.

[Massachusetts Special Education Regulations, 603 CMR 28.06(6)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 40**

1) Using the OASES Instructional Grouping/Age Span Template, provide schedules of all instructional groups (by period) that include the name(s) of teachers, dates of birth of oldest/youngest students in the instructional groupings, and the number of paraprofessionals for all pull-out and substantially separate instructional groupings and for all collaborative day programs

2) Provide a copy of the notice sent to the Department regarding the decision to increase the size of an instructional grouping

**CSE 41 Age Span Requirements**

 Requirements

The program shall ensure that the ages of the youngest and oldest child in any instructional grouping shall not differ by more than forty-eight months (4 years).

Prior to exceeding the forty-eight-month age span, an Age Span Waiver (<https://www.doe.mass.edu/oases/sa-nr/default.html>) must be requested and approved by DESE.

[Massachusetts Special Education Regulations, 603 CMR 28.06(6)(f)–(g)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 41**

* Using the OASES Instructional Grouping/Age Span Template, provide schedules of all instructional groups (by period) that include:
	+ The name(s) of teachers,
	+ Dates of birth of oldest/youngest students in the instructional groupings, and
	+ The number of paraprofessionals for all pull-out and substantially separate instructional groupings and for all programs.

### **CSE 42 Programs for Young Children Three and Four Years of Age**

 Requirements

General requirements:

1. Where programs are provided for eligible students three and four years of age such programs shall be developmentally appropriate and specially designed for students ages three and four years.
2. Reserved
3. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday).

Types of Settings:

Substantially separate programs for young students are located in a public

School classroom or facility that serves primarily or solely students with disabilities.

Substantially separate programs adhere to the following standards:

1. Substantially separate programs are programs in which more than 50% of the students have disabilities.
2. Substantially separate programs operated by the collaborative limit class sizes to 9 students with 1 teacher and 1 aide.

[Massachusetts Special Education Regulations, 603 CMR 28.06(7)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06)

[Code of Federal Regulations 34 CFR 300.101(b); 300.124(b); 300.323(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR4c69ab8d340f516/section-300.101)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 42**

* Using the OASES Instructional Grouping/Age Span Template, provide schedules of all instructional groups (by period) that include:
	+ The name(s) of teachers,
	+ Dates of birth of oldest/youngest students in the instructional groupings, and
	+ The number of paraprofessionals for all pull-out and substantially separate instructional groupings and for all programs.

### **CSE 43 Behavioral Interventions**

 Requirements

For a student whose behavior impedes their learning or the learning of others, the Team considers the student’s behavior including positive behavioral interventions and the possible need for a functional behavioral assessment.

[Code of Federal Regulations 34 CFR 300.324(a)(2)(i)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR7501aba42a83252/section-300.324)

### **CSE 44 Procedure for Recording Suspensions**

 Requirements

The collaborative has a procedure to record the number and duration of suspensions from any part of the student’s program, including suspensions from special transportation prescribed by the IEP.

[Code of Federal Regulations 34 CFR 300.530](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-E/subject-group-ECFRfb9aefa81a38ee9/section-300.530)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 44**

* Provide a copy of the Collaborative's procedures for recording suspensions.

### **CSE 45 Procedures for Suspension up to 10 days: General Requirements**

 Requirements

* Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion CSE 46 below.
* After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education.
* The collaborative provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.

[Massachusetts General Law Chapter 76 § 16 - 17](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section16)

[Code of Federal Regulations 34 CFR 300.530](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-E/subject-group-ECFRfb9aefa81a38ee9/section-300.530)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 45**

* Provide a copy of the Collaborative's procedures for recording suspensions.

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### **CSE 46 Procedures for Suspension of Students with Disabilities When Suspensions Exceed 10 Consecutive Days or a Pattern has Developed for Suspensions Exceeding 10 Cumulative Days; Responsibilities of the Team; Responsibilities of the District.\***

 Requirements

**\*Also APD 9.6 where applicable**

1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change in placement of a student with disabilities, the collaborative, district personnel, the parent, and other relevant members of the Team, as determined by the collaborative, parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the failure to implement the IEP—“a manifestation determination.”
3. If collaborative, district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with the collaborative policies and procedures and the student must be offered:
4. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress towards IEP goals; and
5. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the behavior so that it does not recur.
6. If collaborative and district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting the student returns to the original placement unless the collaborative, parents and district agree otherwise or the hearing officer orders a new placement.

[Massachusetts General Law Chapter 76 § 16 - 17](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section16)

[Code of Federal Regulations 34 CFR 300.530](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-E/subject-group-ECFRfb9aefa81a38ee9/section-300.530)

[DESE Discipline Statutory Language & Flow Chart](https://www.doe.mass.edu/specialeducation/policy/dese/advisories/discipline/)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 46**

* Collaborative's procedures for the discipline of students with disabilities, including manifestation determinations.

### **CSE 48 Equal Opportunity to Participate in Educational, Nonacademic, Extracurricular and Ancillary Programs, as well as Participation in Regular Education**

 Requirements

All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the public school where the collaborative program is located.

Programs, services, and activities include, but are not limited to:

1. art and music
2. vocational education, industrial arts, and consumer and homemaking education
3. work study and employment opportunities
4. counseling services
5. health services
6. transportation
7. recess and physical education, including adapted physical education
8. athletics and recreational activities
9. school‑sponsored groups or clubs
10. meals

[Massachusetts Regulations 603 CMR 28.06(5)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=06)

[Code of Federal Regulations 34 CFR 300.101-113](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR4c69ab8d340f516/section-300.101)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 48**

* Collaborative's procedures for the discipline of students with disabilities, including manifestation determinations.

### **CSE 49 Related Services**

 Requirements

For each student with special education needs found to require related services the collaborative provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:

1. speech-language pathology and audiology services
2. psychological services
3. physical therapy
4. occupational therapy
5. recreation, including therapeutic recreation
6. early identification and assessment of disabilities in children, by notification to the responsible public school district
7. counseling services, including rehabilitation counseling
8. orientation and mobility services (peripatology)
9. medical services for diagnostic or evaluation purposes
10. school health services, including school nurse services
11. social work services
12. parent counseling and training, and
13. interpreting services.

[Massachusetts Regulations 603 CMR 28.02(18)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=02)

[Code of Federal Regulations 34 CFR 300.34; 300.323(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.34)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 49**

* Collaborative's procedures for the discipline of students with disabilities, including manifestation determinations.

### **CSE 51 Appropriate Special Education Teacher Licensure**

 Requirements

Individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.

[Massachusetts General Law Chapter 71, § 38G and § 89(qq)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section38g)

[Massachusetts Regulations 603 CMR 7.00](https://www.bing.com/ck/a?!&&p=bfde90960c67ebe6e3ffbc560c4027f112419163d3969ea3c46ce19a92201c5dJmltdHM9MTc1OTM2MzIwMA&ptn=3&ver=2&hsh=4&fclid=0e5ccb7d-6c5f-6efa-3924-debc6daa6f9b&psq=603+CMR+7.00&u=a1aHR0cHM6Ly93d3cuZG9lLm1hc3MuZWR1L2xhd3NyZWdzLzYwM2NtcjcuaHRtbA)

[Massachusetts Regulations 603 CMR 28.02(3)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=03)

[Code of Federal Regulations 34 CFR 300.156](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR18f0c3fecd807b3/section-300.156)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 51**

* Completed *Teacher Roster* available in CHAMP.
* Copies of all teacher licenses from ELAR .

### **CSE 52 Appropriate Certifications/licenses or Other Credentials – Related Service Providers**

 Requirements

Any person, including non‑educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special education classroom teacher is appropriately certified, licensed, board‑registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.

[Massachusetts Regulations 603 CMR 28.02(3), (18)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=03)

[Code of Federal Regulations 34 CFR 300.156(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR18f0c3fecd807b3/section-300.156)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 52**

* Completed *Related Services Roster* available in CHAMP.
* Copies of all staff licenses/registrations/certifications.

### **CSE 52A Registration of Educational Interpreters**

 Requirements

Any person, including non‑educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special education classroom teacher is appropriately certified, licensed, board‑registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.

[Massachusetts Regulations 603 CMR 28.02(3), (18)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=03)

[Code of Federal Regulations 34 CFR 300.156(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR18f0c3fecd807b3/section-300.156)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 52**

* Copy of the interpreter's registration with the Massachusetts Commission for the Deaf and Hard of Hearing

### **CSE 53 Use of Paraprofessionals**

 Requirements

1. Reserved.
2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.

[Code of Federal Regulations 34 CFR 300.156](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR18f0c3fecd807b3/section-300.156)

### **CSE 54 Professional Development**

 Requirements

* 1. The collaborative considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.
	2. The collaborative ensures that all staff, including both special education and general education staff, are trained on:
	3. state and federal special education requirements and related local special education policies and procedures;
	4. (if applicable when collaborative students may be able to be placed in general education classrooms) analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles;
	5. (if applicable, when collaborative students are placed in general education classroom(s)) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom.
	6. If the collaborative provides transportation, then the collaborative provides in-service training for all locally hired and contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs. For any such student the collaborative also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.

[Massachusetts General Law Chapter 71 §§ 38G, 38Q and 38Q1/2](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section38g)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 54**

* Provide a list of all the professional development activities and the dates held, in the last two years for special education and general education staff.

### **CSE 55 Special Education Facilities and Classrooms\***

 Requirements

**\*and APD 13.4 where applicable**

The collaborative program is located in facilities and classrooms that:

* + 1. Maximize the inclusion of such students into the life of the school;
		2. Provide accessibility, free from barriers to mobility, to those areas of the buildings and grounds to which such access is necessary in order to implement fully each student’s IEP;
		3. Are at least equal in all physical respects to the average standards of general education facilities and classrooms in the building in which they are located;
		4. Are given the same priority as any general education programs in the allocation of instructional and other space in the public school building in which they are located in order to minimize the separation or stigmatization of eligible students; and
		5. Are not identified by signs or other means that stigmatize such students.

**Collaborative special education approved public day programs must meet the following requirements:**

* If the program which enrolls students requiring wheelchairs shall have at least one entrance without steps and wide enough for a wheelchair, for each building utilized in carrying out the IEPs for such students.
* If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible.

[Massachusetts Regulations 603 CMR 28.03(1)(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=03)

[Section 504 of the Rehabilitation Act of 1973](https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504)

#### **Documentation Requirements for Program and Mid-Cycle Review for CSE 55**

* Written plan and timetable for the program, if the program is not accessible, detailing the steps to be taken to comply with Section 504 of the Rehabilitation Act of 1973.

### **CCR 6 Availability of In-School Programs for Pregnant Students**

 Requirements

1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.
2. The collaborative does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician.

[Title IX United States Code 20 U.S.C. 1681](Title%20IX%20United%20States%20Code%2020%20U.S.C.%201681)

[Code of Federal Regulation 34 CFR 106.40(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106/subpart-D/section-106.40)

### **CCR 7 Information to be translated into languages other than English**

 Requirements

1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills. The collaborative has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages.
2. Recruitment and promotional materials being disseminated to residents in the area served by the collaborative are translated into the major languages spoken by residents with limited English skills.
3. Information in notices, such as activities, responsibilities, and academic standards, provided to all students is provided to English Learners in a language and mode of communication that they understand.
4. Information provided to students about extracurricular activities and school events is provided to English Learners and to their parents/guardians in a language they understand.

[Massachusetts General Law Chapter 76 § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/section5)

[Massachusetts Regulation 603 CMR 26.03](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=03)

[Title VI of the Civil Rights Act of 1964](https://www.justice.gov/crt/fcs/TitleVI)

[Equal Educational Opportunities Act of 1974](https://www.eeoc.gov/history/equal-employment-opportunity-act-1972)

[United States Code 20 U.S.C. 1703(f)](https://www.govinfo.gov/app/details/USCODE-2015-title20/USCODE-2015-title20-chap39-subchapI-part2-sec1703)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 7**

* Collaborative procedures for translation and interpretation
* List of all important information and documents that have been translated, including which language(s) for each item.

### **CCR 7A School Year Schedules\***

 Requirements

\*Some elements also apply to APD 6.1 Where applicable

1. Before the beginning of each school year, the collaborative sets a school year schedule for each program. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary program in the collaborative, and these programs are in operation for at least 180 days a year for these students.
2. The collaborative ensures that unless his or her 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, within the required school year schedule. Where the collaborative operates separate middle school programs, it designates each one as either elementary or secondary.
3. Where the collaborative 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 the collaborative schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students.

[Massachusetts General Law Chapter 69 § 1G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter69/section1g)

[Massachusetts Regulation 603 CMR 26.03, 26.04](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=03)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 7A**

* Provide a Structured Learning Time Worksheet for each program.

### **CCR 7B Structured Learning Time\***

 Requirements

**\*Some elements are related to APD 6.1 Daily Instructional Hours if applicable**

The collaborative ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by M.G.L. c. 71, § 3). The collaborative's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments.

The collaborative ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP.

The hours spent in any type of structured learning time are verified by the collaborative. Where the collaborative 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.

[Massachusetts General Law Chapter 69 § 1G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter69/section1g)

[Massachusetts Regulation 603 CMR 27.02, 27.04](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=02)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 7B**

* Provide a Structured Learning Time Worksheet for each Collaborative program and APD. Ensure that where the collaborative operates middle school programs, it designates each one as either elementary or secondary.

### **CCR 7C Early Release of High School Seniors**

 Requirements

When the collaborative schedules the early release at the end of the year of the senior class of a high school, it does so in a way 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.

[Massachusetts General Law Chapter 69 § 1G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter69/section1g)

[Massachusetts Regulation 603 CMR 27.05](https://www.doe.mass.edu/lawsregs/603cmr27.html?section=05)

### **CCR 8 Availability of Extracurricular Activities**

 Requirements

Extracurricular activities sponsored by the collaborative are nondiscriminatory in that:

1. The collaborative provides equal opportunity for all students to participate in intramural and interscholastic sports; and
2. Extracurricular activities or clubs sponsored by the collaborative do not exclude students on the basis of race, color, national origin, sex, gender identity, religion, limited English speaking ability, sexual orientation, or homelessness.

[Massachusetts Constitution Amendment Article 114](https://malegislature.gov/Laws/Constitution)

[Massachusetts General Law Chapter 76 § 5](https://www.mass.gov/info-details/mass-general-laws-c76-ss-5#:~:text=No%20person%20shall%20be%20excluded,citizenship%20status%2C%20disability%20or%20sexual)

[Massachusetts Regulation 603 CMR 26.06(1)](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=06)

[United States Code Title VI: 42 U.S.C.2000d](https://www.justice.gov/crt/fcs/TitleVI-Overview)

[Code of Federal Regulation 34 CFR 106.31, 106.41](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106/subpart-D/section-106.40)

[Section 504 of the Rehabilitation Act of 1973](https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504)

[Code of Federal Regulation 34 CFR 104, 104.37(a)(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104)

[Title II United States Code 42 U.S.C. 12132](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section12132&num=0&edition=prelim)

[Code of Federal Regulation 28 CFR 35.130](https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.130)

[Elementary and Secondary Education Act](http://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/every-student-succeeds-act-essa-0)

[Part C Homeless Education Act](https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/esea/part-c--homeless-education)

### **CCR 9 Hiring and Employment Practices of Prospective Employers of Students**

 Requirements

1. The collaborative requires each employer recruiting at the collaborative to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness.
2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experiences.

**Implementation Guidance:** The statements signed by employers must indicate that the employer complies with all applicable federal and state laws prohibiting discrimination in hiring or employment practices on the bases of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness.

[Massachusetts General Law Chapter 76 § 5](https://www.mass.gov/info-details/mass-general-laws-c76-ss-5#:~:text=No%20person%20shall%20be%20excluded,citizenship%20status%2C%20disability%20or%20sexual)

[Massachusetts Regulation 603 CMR 26.07(5)](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=07)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 9**

* Sample of Signed Statement of Assurance from prospective employers of students. (If applicable).

### **CCR 10 Anti-Hazing Reports**

 Requirements

The principal/program director of each secondary school program in the collaborative issues a copy of M.G.L. c. 269 §§ 17 through 19 to every student enrolled full-time and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the collaborative’s anti-hazing disciplinary policy approved by the collaborative board.

Each secondary school program files, at least annually, a report with the Department certifying:

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

Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and

That the hazing policy has been included in the student handbook or other means of communicating school policies to students.

[Massachusetts General Law Chapter 269 § 19](https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter269/section19)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 10**

* Provide a copy of the collaborative’s Anti-Hazing Disciplinary Policy

### **CCR 10A Student Handbooks and Codes of Conduct**

 Requirements

a) The collaborative has a code of conduct for students and one for teachers.

b) The principal/program director of every collaborative program containing grades 9-12 prepares, in consultation with the Collaborative Board, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel. The Collaborative Board reviews and revises the student code of conduct every year.

c) The principal/program director of every collaborative program containing other grades distributes the student code of conduct to students, parents, and personnel annually.

d) At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language.

Student codes of conduct contain:

procedures assuring due process in disciplinary proceedings; and

appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans.

Student handbooks and codes of conduct reference M.G.L. c. 76, § 5 and

 contain:

nondiscrimination policy that is consistent with M.G.L. c. 76, § 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness., or discrimination on those same bases;

the procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and

the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.

[Massachusetts General Law Chapter 71 §§ 37H, 37H1/2 and 37H3/4](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section37H)

[Massachusetts Regulation 603 CMR 53.00](https://www.doe.mass.edu/lawsregs/603cmr53.html)

[Massachusetts Regulation 603 CMR 26.08](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=08)

[Section 504 of the Rehabilitation Act of 1973](https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 10A**

* Provide the Student Discipline Section of the High School Handbook
* Provide the Code of Conduct for all students

### **CCR 10B Bullying Prevention and Intervention**

 Requirements

1. The collaborative must update collaborative and program handbooks to conform to its updated amended Bullying Prevention and Intervention Plan (Plan). The collaborative 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 collaborative/school staff. As defined by M.G.L. c. 71, § 37O, as amended, a member of the collaborative/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 collaborative handbook must make clear that a member of the staff may be named the “aggressor” or “perpetrator” in a bullying report.
2. Collaborative and program employee handbooks must contain relevant sections of the amended local Plan relating to the duties of faculty and staff and relevant sections of the local Plan addressing the bullying of a student by a staff member.
3. Each year the collaborative and collaborative programs must give parents and guardians annual written notice of the student-related sections of the local Plan.
4. Each year the collaborative and collaborative programs must provide all staff with annual written notice of the local Plan.
5. The collaborative and collaborative programs must implement professional development for all staff 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.

[Massachusetts General Law Chapter 71 §§ 37H as amended by Chapter 92 of the Acts of 2010 and as amended by sections 72-74 of Chapter 38 of the Acts of 2013](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section37H)

[Massachusetts General Law Chapter 71 § 370](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section37O)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 10B**

* Provide a copy of the current Bullying Prevention and Intervention Plan.
* Provide a description of how the Bullying Prevention and Intervention Plan information was distributed to parents, students and school staff.
* Provide a description of any ongoing professional development offered by the collaborative for all school staff (including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessional staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals) on the Bullying Prevention and Intervention Plan to include dates, format(s) used and agenda(s), if appropriate.

### **CCR 10C Student Discipline**

 Requirements

The collaborative executive director and board of directors shall ensure that policies and procedures are in place in public preschool, elementary, and secondary programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L. c. 71, § 37H3/4, M.G.L. c. 76, § 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 executive director 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.

[Massachusetts General Law Chapter 71 §§ 37H3/4](https://www.mass.gov/info-details/mass-general-laws-c71-ss-37h-34)

[Massachusetts General Law Chapter 71 § 370](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/section37O)

[Massachusetts Regulation 603 CMR 53.00](https://www.doe.mass.edu/lawsregs/603cmr53.html)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 10C**

* Provide a copy of the collaborative’s School-Wide Education Service Plan;
* Provide a copy of the collaborative's Notice of Suspension and Hearing under M.G.L.c. 71, section 37H3/4;
* Provide a copy of the collaborative's procedures for the Principal Hearing for short-term suspension under M.G.L.c. 71, section 37H3/4;
* Provide a copy of the collaborative's procedures for the Principal Hearing for long-term suspensions under M.G.L.c. 71, section 37H3/4;
* Provide a copy of the collaborative's procedures for Executive Director's Hearing under M.G.L.c. 71, section 37h 3/4;
* Provide a copy of the collaborative's procedures for Emergency Removal under M.G.L.c. 71, section 37H 3/4;
* Provide a copy of the collaborative's procedures for in-house suspension under M.G.L.c. 71, section 37H 3/4; and
* Provide a description of the system for collection and the procedures followed by principal/program director to periodically review discipline data by selected populations.

### **CCR 11A Designation of Coordinator(s); Grievance Procedures**

 Requirements

1. The collaborative has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II.
2. The collaborative has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.

[United States Code Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm)

[Code of Federal Regulation 34 CFR 106.8](https://sites.ed.gov/idea/regs/b/b/300.106)

[Section 504: 29 U.S.C. 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[Code of Federal Regulation 34 CFR 104.7](https://sites.ed.gov/idea/regs/b/b/300.104)

[Americans with Disabilities Act of 1990, Title II Subpart A](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-ii-americans-with-disabilities-act-of-1990)

[Massachusetts Regulation 28 CFR 35.107](https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-A/section-35.107)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 11A**

* Grievance Procedure sections from collaborative publications as required under Title IX, Section 504 and Title II (as applicable) for students and staff.

### **CCR 12A Annual and Continuous Notification Concerning Nondiscrimination and Coordinators**

 Requirements

1. If the collaborative offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex, gender identity, disability, religion , limited English speaking ability, sexual orientation or homelessness. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.
2. In all cases, the collaborative takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the collaborative, that it does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CCR 11A to coordinate compliance under Title IX and Section 504.
3. Written materials and other media used to publicize a school include a notice that the collaborative and its programs does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness.

[Massachusetts General Law Chapter 76 § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5)

[603 CMR 26.02(2)](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=02)

[United States Code Title VI 42 U.S.C. 2000d](https://www.justice.gov/crt/fcs/TitleVI-Overview)

[Code of Federal Regulation 34 CFR 100.6(d)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-100/section-100.6)

[United States Code Title IX: 20 U.S.C. 1681](https://www.justice.gov/crt/title-ix-education-amendments-1972)

[Code of Federal Regulation 34 CFR 106.8(a)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106/subpart-D/section-106.40)

[Section 504: 29 U.S.C. 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[Code of Federal Regulation 34 CFR 104.8](https://sites.ed.gov/idea/regs/b/b/300.104)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 12A**

* Provide a sample notice and a list of materials and publications that contain the notice.

### **CCR 13 Availability of Information and Academic Counseling on General Curricular and Occupational/Vocational Opportunities**

 Requirements

Students in grades 7 – 12 from linguistic, racial, and ethnic minorities: males, females; homeless students; and students with disabilities all receive the same information and academic counseling as other students on the full range of general curricula and any occupational/vocational opportunities.

The collaborative ensures that English Learners (Els) are taught to the same academic standards and curriculum as all students and provides the same opportunities to master such standards as other students, including the opportunities to master such classes, receive credit for work done and have access to the full range of programs.

The collaborative uses grade-appropriate content objectives for Els that are based on the district curricula in English Language Arts, History and Social Science, Mathematics and Science/Technology/Engineering, taught by qualified staff members.

[Massachusetts Constitution Amendment Article 114](https://malegislature.gov/laws/constitution#amendmentArticleCXIV)

[United States Code Title VI: 42 U.S.C. 2000d](https://www.justice.gov/crt/fcs/TitleVI-Overview)

[Code of Federal Regulation 34 CFR 100.3(a)(b)](https://sites.ed.gov/idea/regs/b/b/300.100)

[Massachusetts General Law Chapter 71A § 7](https://sites.ed.gov/idea/regs/b/b/300.100)

[Massachusetts General Law Chapter 76 § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/section5)

[Massacusetts Regulation 603 CMR 26.03](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=03)

[United States Code Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm)

[Code of Federal Regulation 34 CFR 106.31, 106.36](https://sites.ed.gov/idea/regs/b/b/300.106%2C%20106.36)

[Section 504: 29 U.S.C. 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[Code of Federal Regulation 34 CFR 104.4, 104.37(b)](https://sites.ed.gov/idea/regs/b/b/300.104)

[Code of Federal Regulation 28 CFR 35.130](https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.130)

[Title III of the Elementary and Secondary Education Act](https://www.federalregister.gov/documents/2008/10/17/E8-24702/title-iii-of-the-elementary-and-secondary-education-act-of-1965-esea-as-amended-by-the-no-child-left)

[Title X, Part C, § 721.](https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/esea/part-c--homeless-education)

### **CCR 14 Counseling and Counseling Materials Free From Bias and Stereotypes**

 Requirements

To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness, all counselors:

1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills;
2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results;
3. communicate effectively with ELs and disabled students and facilitate their access to all programs and services offered by the district;
4. ensure that ELs have the opportunity to receive guidance and counseling in a language the student understands;
5. support students in educational and occupational pursuits that are nontraditional for their gender.

[Massachusetts Constitution Amendment Article 114](https://malegislature.gov/laws/constitution#amendmentArticleCXIV)

[Massachusetts General Law Chapter 71A § 7](https://sites.ed.gov/idea/regs/b/b/300.100)

[Massachusetts General Law Chapter 76 § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/section5)

[Massacusetts Regulation 603 CMR 26.03, 26.04 and 26.07(8)](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=03)

[United States Code Title VI: 42 U.S.C. 2000d](https://www.justice.gov/crt/fcs/TitleVI-Overview)

[Code of Federal Regulation 34 CFR 100.3(a)(b)](https://sites.ed.gov/idea/regs/b/b/300.100)

[United States Code 20 U.S.C. 1703(f)](https://www.govinfo.gov/app/details/USCODE-2015-title20/USCODE-2015-title20-chap39-subchapI-part2-sec1703)

[United States Code Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm)

[Code of Federal Regulation 34 CFR 106.31, 106.36](https://sites.ed.gov/idea/regs/b/b/300.106%2C%20106.36)

[Section 504: 29 U.S.C. 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[Code of Federal Regulation 34 CFR 104.4, 104.37](https://sites.ed.gov/idea/regs/b/b/300.104)

[United States Code Title II: 42 U.S.C. 12132](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-ii-americans-with-disabilities-act-of-1990)

[Code of Federal Regulation 28 CFR 35.130, 35.160](https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.130)

[Title III of the Elementary and Secondary Education Act](https://www.federalregister.gov/documents/2008/10/17/E8-24702/title-iii-of-the-elementary-and-secondary-education-act-of-1965-esea-as-amended-by-the-no-child-left)

[Title X, Part C, § 721.](https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/esea/part-c--homeless-education)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 14**

* Provide a description of procedures to ensure counseling and counseling materials are free from bias and stereotyping on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability and homelessness. Upload any forms used in implementing the procedures.

### **CCR 15 Counseling and Counseling Materials Free From Bias and Stereotypes**

 Requirements

Scholarships, prizes and awards sponsored or administered by the collaborative are free of restrictions based upon race, color, sex, gender identity, religion, national origin, sexual orientation or disability.

Collaboratives may post or print information regarding private, restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the collaborative does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.

[Massachusetts Constitution Amendment Article 114](https://malegislature.gov/laws/constitution#amendmentArticleCXIV)

[Massachusetts General Law Chapter 76 § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/section5)

[Massacusetts Regulation 603 CMR 26.07(7)](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=07)

[United States Code Title VI: 42 U.S.C. 2000d](https://www.justice.gov/crt/fcs/TitleVI-Overview)

[United States Code Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm)

[Code of Federal Regulation 34 CFR 106.31, 106.37](https://sites.ed.gov/idea/regs/b/b/300.106%2C%20106.36)

[Section 504: 29 U.S.C. 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[Code of Federal Regulation 34 CFR 104.4(b)(1)(v)](https://sites.ed.gov/idea/regs/b/b/300.104)

[United States Code Title II: 42 U.S.C. 12132](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-ii-americans-with-disabilities-act-of-1990)

[Code of Federal Regulation 28 CFR 35.130, 35.160](https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.130)

[United States Code Title II: 42 U.S.C. 12132](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-ii-americans-with-disabilities-act-of-1990)

[Code of Federal Regulation 28 CFR 35.130.(b)(1)(v)](https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.130)

### **CCR 17A Use of Physical Restraint on Any Student Enrolled in a Publically Funded Education Program\***

 Requirements

 **\*And APD 9.4 where applicable**

The program shall have a written policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.

The program administers physical restraint 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.

Physical restraint policy and procedures must include the following:

1. Methods for engaging parents and students in discussions about restraint prevention and use;

2. A description and explanation of the method of physical restraint used by the program in an emergency situation;

3. A statement prohibiting seclusion, medication restraint, mechanical restraint and prone restraint unless permitted under 603 CMR 46.03(1)(b);

4. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate;

5. A description of the program’s procedure for conducting periodic review of data and documentation on the program’s use of restraint;

6. A description of the program's training requirements for all staff;

7. A description of the intensive training for staff who serve as restraint resources for the program;

8. Reporting requirements and follow-up procedures for reports to parents/guardians and to the Department;

9. A procedure for receiving and investigating complaints regarding restraint practices; and

10. The director or his/her designee shall maintain an on-going record of all instances of physical restraint, which shall be made available for review by the Department upon request.

**NOTE**: In order for the principal to be able to complete the weekly Individual Student Reviews and monthly Administrative Reviews required by the regulations, at 603 CMR 46.06(5) and (6),

the principal’s log would need to contain the following fields, at a minimum:

* + Student name,
	+ Dates of restraint,
	+ Time of restraint,
	+ Duration of restraint,
	+ Individuals involved in the restraint, and
	+ Whether or not anyone (student or staff) was injured.

**NOTE:** A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.

**NOTE:** Physical restraint training must be provided to all program staff within the first month of the school year regarding restraint prevention and the requirements when restraint is used.

OR

For employees hired after the school year begins, physical restraint training must be provided and completed within one month of the date of hire of the employee.

[Massachusetts General Law Chapter 71 § 37G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37G)

[Massachusetts Regulation 603 CMR 18.05(5)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

[Massachusetts Regulation 603 CMR 46.00.](https://www.doe.mass.edu/lawsregs/603cmr46.html)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 17A**

* Written policy and procedures on the use of physical restraints and administering physical restraints in accordance with the requirements of 603 CMR 46.00
* A document that specifies the dates of training for all new and existing staff. Document must include the names of staff trained on each date.
* A list of staff in each school building identified as the school-wide resource and the dates of each person's in-depth training

### **CCR 18A Collaborative Employment Practices**

 Requirements

Collaborative employment practices in general are free from discrimination on the basis of race, color, gender identity, national origin, sex, or disability. The collaborative’s employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.

[Massachusetts Constitution Amendment Article 114](https://malegislature.gov/laws/constitution#amendmentArticleCXIV)

[Code of Federal Regulation 34 CFR 100.3(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-100/section-100.3)

[United States Code: 20 U.S.C. 1703(d)](https://www.govinfo.gov/link/uscode/20/1703)

[Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm)

[Code of Federal Regulation 34 CFR 106.51-106.61](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106/subpart-E/section-106.51)

[Section 504: 29 U.S.C. 794](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[Code of Federal Regulation 34 CFR 104.11-104.14](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-104/subpart-B/section-104.11)

[United States Code Title II: 42 U.S.C. 12132 28](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-ii-americans-with-disabilities-act-of-1990)

[Code of Federal Regulation CFR 35.140](https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-C/section-35.140)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 18A**

* Provide a description of employee recruitment practices including sample of recent employee recruitment advertisements and vacancy announcements.

### **CCR 20/CCR 26A Staff Training on Confidentiality of Student Records/Confidentiality and Student Records.**

 Requirements

The collaborative trains personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, § 34H, and 603 CMR 23.00, and on the importance of information privacy and confidentiality.

In accordance with federal and state requirements, the collaborative protects the confidentiality of any personally identifiable information that it collects, uses or maintains.

The collaborative maintains and provides access to student records in accordance with federal and state requirements.

A log of access shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating:

* The name, position and signature of the person releasing the information;
* The name, position and, if a third party;
* The affiliation if any, of the person who is to receive the information;
* The date of access;
* The parts of the record to which access was obtained; and
* The purpose of such access.

**NOTE:** Unless student record information is to be deleted or released, this log requirement shall not apply to authorized personnel who inspect the student record, administrative office staff and clerical personnel who add information to or obtain access to the student record and the school nurses who inspect the student health record.

[Massachusetts General Law Chapter 71 § 34H](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section34H)

[Massachusetts Regulation 603 CMR 23.05](https://www.doe.mass.edu/lawsregs/603cmr23.html?section=05)

[Massachusetts Regulations 603 CMR 23.07. 28.09(5)(a) and 28.09(10)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

[Massachusetts Regulations 603 CMR 23.07(1)](https://www.doe.mass.edu/lawsregs/603cmr23.html?section=07)

[Massachusetts General Law Chapter 76 § 34H](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section34H)

[Code of Federal Regulation 34 CFR Part 99](https://www.ecfr.gov/current/title-34/subtitle-A/part-99?toc=1)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 20/26A**

* Provide the agenda and documentation of training on confidentiality of student records for school personnel.
* Provide a description of the collaborative's procedures to ensure confidentiality of student records.
* The name of the person who is responsible for oversight and maintenance of student records.
* Provide a copy of the log of access form.

### **CCR 21 Staff Training Regarding Civil Rights Responsibilities**

 Requirements

The collaborative provides in-service training for all personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students’ race, color, sex, gender identity, religion, national origin and sexual orientation and the appropriate methods for responding to it in the program setting.

[Massachusetts General Law Chapter 76, § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5)

[United States Code Title VI: 42 U.S.C. 2000d](https://www.justice.gov/crt/fcs/TitleVI-Overview)

[Code of Federal Regulation 34 CFR 100.3](https://sites.ed.gov/idea/regs/b/b/300.100)

[Massachusetts Regulation 603 CMR 26.07(2)](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=07)

[United States Code Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm)

[Code of Federal Regulation 34 CFR 106.31-106.42](https://sites.ed.gov/idea/regs/b/b/300.106)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 20/26A**

* The agenda and documentation of training on civil rights responsibilities for school personnel.

### **CCR 24 Curriculum Review**

 Requirements

The collaborative ensures that individual teachers in the collaborative review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.

[Massachusetts General Law Chapter 76, § 5](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section5)

[United States Code Title VI: 42 U.S.C. 2000d](https://www.justice.gov/crt/fcs/TitleVI-Overview)

[Code of Federal Regulation 34 CFR 100.3](https://sites.ed.gov/idea/regs/b/b/300.100)

[Massachusetts Regulation 603 CMR 26.07(2)](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=07)

[United States Code Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm)

[Code of Federal Regulation 34 CFR 106.31-106.42](https://sites.ed.gov/idea/regs/b/b/300.106)

#### **Documentation Requirements for Program and Mid-Cycle Review for CCR 20/26A**

* Provide the policy and procedures to review curriculum for bias and stereotyping, including staff responsible and frequency of the review.

## Appendix

## Documentation Criteria by Category

**Criteria are arranged according to four categories in CHAMP**

## *Policies and Procedures*

1.1 Demonstration of Need for Program

1.2 Program & Student Descriptions, Program Capacity

2.1 Legal and Financial Status

3.1 Policies & Procedures Manual

3.1c 3.1(c) Child Abuse Reporting

3.1d 3.1(d) Evacuation and Emergency Procedures

3.2 Health Care Manual

4.4 Advance Notice of Proposed Program/Facility Change

4.5 Immediate Notification

5.1 Student Admissions

5.1a Admissions Packet

6.1/6.4 Daily Instructional Hours/6.4 School Days Per Year

6.1a Physical Education Requirements

6.2 School-to-Work

7.1 Curriculum Frameworks

7.3 State/District-Wide Assessments

7.4 High School Diplomas and Certificates of Attendance

8.4 Program Modifications and Support Services for English

8.10 IEP- Less Restrictive Placement

8.11 IEP - Transition Planning

9.1 Policies and Procedures for Behavior Support

9.1a Student Separation Resulting from Behavior Support

9.2 Discipline Code

9.3 Runaway Students

9.4 Physical Restraint

9.5 3-5 Day Suspensions

9.6 10+ Day Suspensions

9.7 Terminations

11.1 Staff Policies and Procedures Manual

11.9 Organizational Structure

11.11 Supervision of Students

11.12 Equal Access

12.1 New Staff Orientation and Training

12.2 In-Service Training Plan and Calendar

12.2c Required Training- CPR Certification

12.2d Required Training- Medication Training

12.2f Required Training- Emergency Procedures

13.7 Library/Resource

14.1 Clothing, Grooming, and Hygiene (Residential programs only)

14.2 Food and Nutrition

14.4 Visiting, Mail, and Telephones (Residential programs only)

15.1 Parental Involvement and Parents' Advisory Group

15.4 Change of Student’s Legal Status

15.5 Parent Consent and Required Notification

15.8 Registering Complaints and Grievances- Parents, Students, and Employees

16.4 Emergency First Aid and Medical Treatment

16.5 Administration of Medication

16.6 Administration of Antipsychotic Medication

16.7 Preventive Health Care

16.8 Receipt of Medical Treatment – Religious Beliefs

17.1 Transportation Safety

## *Staff Documentation*

10.1 Staffing for Instructional Groupings

10.4 Student: Direct Care Worker Ratios(Residential Schools Programs only)

11.2 Administrative Responsibility

11.3 Educational Administrator Qualifications

11.4 Teachers (Special Education Teachers and General Education Teachers)

11.5 Related Services Staff

11.6 Staff Roster

11.7 Job Descriptions

16.2 Physician Consultation

16.3 Nursing

## *Student Documentation*

5.2a Contracts

8.5 Current IEP & Student Roster

8.8 Progress Reports

10.2 Age Range

14.3 Toileting Procedures and Individual Plans

15.3 Information to be Translated into Other Languages

16.11 Student Allergies

18.1 Confidentiality of Student Records

19 Anti-Hazing

20 Bullying Prevention and Intervention

## *Buildings/Facilities*

2.2 Approvals, Licenses, Certificates of Inspection

4.2 Public Information and Postings

13.2 Description of Physical Space

13.9 Outdoor Space

16.12 No Smoking Policy

## Action Forms

### **Notification/Prior Approval**

Pursuant to applicable regulations and agency policy all Special Education Approved Public Day School programs are required to provide immediate notification to DESE for ANY student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during school hours.

Immediate notification for:

1. Unexpected building change as the result of an emergency
2. Closure of a program or site

Fifteen (15) Business days notification for:

1. 20% decrease in enrollment of students based on the most recently approved DESE student enrollment
2. Vacancy in an approved staff position not filled by another appropriately licensed or waivered staff person that has a direct impact on the service delivery to students.
3. Change in special education approved public day school program ownership.
4. Change in special education approved public day school program’s name

Prior Approval from DESE Required:

1. Proposed changes to program building(s)/physical facilities that are not due to an emergency, but are related to relocation, renovation, or expansion of building(s).
2. Request to increase or decrease the ages of the students, or change the gender of students being served.
3. Each proposed 20% increase in enrollment of students based on the most recently approved DESE student enrollment.
4. Adding, eliminating, or changing staff position.

NOTE: \* Indicates required field within the action form application

Applications must be submitted through [CHAMP](https://dese.my.site.com/monitoring/s/login) by selecting "Notification/Prior Approval” under the "Action Forms" tab.

Email OASES1@mass.gov to request CHAMP user guides to assist with submitting a notification/prior approval notification.

### **Initial Applications**

Pursuant to 603 CMR 28.09, the Department of Elementary and Secondary Education (DESE) may grant approval to an existing special education agency to provide special education services in Massachusetts by starting a new program or an initial application. Once an initial program application is reviewed and the program receives either “Provisional” or “Full” approval, the special education school program may enroll publicly funded Massachusetts special education students. For a new agency, the process is similar; however, they will need to contact OASES by email or phone to receive login information to access CHAMP to submit their application.

Applications must be submitted through [CHAMP](https://dese.my.site.com/monitoring/s/login) by selecting “Initial Application” under the “Action Forms” tab.

Email OASES1@mass.gov to request CHAMP user guides to assist with an initial application.

### **Incident Reports**

Pursuant to applicable regulations and agency policy, all Special Education Approved Public Day School programs are required to provide immediate notification to DESE for any student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during school hours.

1. The filing of a 51-A report with the Department of Children and Families (DCF) OR a complaint to the Disabled Persons Protection Commission (DPPC) against the school or a school staff member for alleged abuse or neglect of any student;
2. The hospitalization of a student (including outpatient emergency room and urgent care visits) due to physical injury at school or PREVIOUSLY UNKNOWN illness, accident, or disorder which occurs while the student is in the program;
3. A student run from the program; and
4. Any other incident of serious nature that involves a student. (Some examples include: any police involvement, any media involvement, weapons, fire setting, alcohol or drug possession or use while in the program).
5. The death of any student (immediate verbal notification to the student’s parent(s)/guardian(s), the responsible public school district, DESE, and any other state agency involved in the education and care of this student).
6. The emergency termination of a student pursuant to 28.09(12)(b).

NOTE: In the narrative of all incidents, include notification information to all applicable parties, i.e., parents, LEAs, state agencies working with a student, etc. Include the program staff name who made contact, who was contacted, and the date/time.

NOTE: All incident reports must be maintained in student records.

NOTE: \* Indicates required field within the action form application

All notifications must be submitted through [CHAMP](https://dese.my.site.com/monitoring/s/login) by selecting "Incident Reports" under the "Action Forms" tab.

Email OASES1@mass.gov to request CHAMP user guides to assist with an incident report.

## Rosters In CHAMP

### **Staff Rosters**

All Programs must submit a current Staff Roster.

### **Student Rosters**

All Programs must submit a student roster with all currently enrolled students.

Email OASES1@mass.gov to request CHAMP user guides to assist with rosters.

## Waivers

**Form A: Age Span Waiver 48-71 Months**

For occasions of a temporary shift in age span greater than 48 months but no more than 71 months for an educational grouping within all approved special education schools and collaboratives, a program may apply for an age span waiver of the 603 CMR 28.06(6)(f). The program must submit a completed cover sheet and Form A application to oases1@mass.gov for review.

**Form B: Age Span Waiver 72+ months**

For occasions of a temporary shift in age span of 72 months or greater for an educational grouping within all approved special education schools and collaboratives, a program may apply for an age span waiver of the 603 CMR 28.06(6)(f). The program must submit a completed cover sheet, Form B application, and designated supporting documentation outlined in the Form B to oases1@mass.gov for review.

**Form C: Request for Waiver from Special Education Regulations, Alternate Compliance** [603 CMR 28.03(5)](https://www.doe.mass.edu/oases/sa-nr/form-c.docx)

For occasions of a temporary shift in compliance (i.e., ratio, 22+, etc.) for an educational grouping within all approved special education schools and collaboratives, a program may apply for an Alternate Compliance waiver of the 603 CMR 28.03(5). The program must submit a completed cover sheet, Form C application, and designated supporting documentation outlined in the Form C to oases1@mass.gov for review.

## Guidance Documents for Behavior Support Policies and Procedures

Upload to CHAMP at the Agency Level if used for all programs

All citations below are related to 603 CMR 46.00

## *Criterion 9.1 Policies and Procedures for Behavior Support*

1. Methods for preventing student violence

Address how the program meets these requirements of 46.04(1)(a)

1. Methods for preventing self-injurious behavior and suicide

Address how the program meets these requirements of 46.04(1)(a)

1. A description and explanation of the program’s alternatives to physical restraint

Address how the program meets the requirements of 46.04(1)(c)

1. A description of the program’s training requirements for staff

Address how the program meets requirements of 46.04(1)(e), 46.04(2), (3), and (4).

1. A description of the program’s reporting requirements and follow-up procedures

Address how program meets requirements of 46.04(1)(e), (h) and (i); and reporting requirements of 46.06

1. A description including timelines of the program’s procedure for receiving and investigating complaints regarding behavior support policies

Address how the program meets the requirements of 46.04(1)(f). The description should include timelines and a mechanism for appeal.

1. A description of the procedures to be followed for implementing the behavior support reporting requirements

Address how the program meets the requirements of 46.04(1)(h)

1. A description of the program’s procedure for making both oral and written notification to the parent

Address how 46.04(1)(i) is implemented.

1. A procedure for the use of time-out

See 46.02: Definitions – Time-out, Address how 46.04(1)(j) is implemented.

For additional guidance, see: [Reducing or Eliminating the Use of Time-Out Rooms](https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx)

NOTE: Meals shall not be withheld as a form of punishment or behavior management.  No student shall be denied or unreasonably delayed a meal for any reason other than medical prescriptions.

Confirm the program’s policy in this regard*.*

NOTE: Behavior support training must be provided to all program staff within the first month of the school year regarding the behavior support policies and the requirements when such procedures are implemented. OR for employees hired after the school year begins, behavior support training must be provided and completed within one month of the date of hire of the employee.

Confirm the program’s policy in this regard.

## *Criterion 9.1a Student Separation Resulting from Behavior Support*

If the implementation of the program’s behavior support policy and procedures results in a student separating from planned instruction or program activities, it shall include:

1. A requirement that students should be continuously observed by a staff member and that staff shall be with the student or immediately available to the student at all times.
2. A procedure for obtaining administrator approval of time-out for more than 30 minutes based upon the individual student’s continuing agitation; and
3. A requirement that the timeout cease as soon as the student has calmed down.
4. A description of how students are monitored.
5. Reasons students would need to be separated from the planned instruction or educational activities.
6. Description of the procedures staff follow when a student needs to be separated from the classroom or educational activities within the classroom.
7. A description of all time-out spaces.
	1. Guidelines for staff in the utilization of such an area,
	2. Time-out rooms shall not be locked, and
	3. Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.
8. The procedure for obtaining approval required for separations of more than 30 minutes.
9. How the end of the student separation is determined.
10. How the program documents student separation.

NOTE: Documentation related to criterion 9.1(a) must be maintained in student records.

1. A requirement that students should be continuously observed by a staff member and that staff shall be with the student or immediately available to the student at all times.

Address how this section of 46.02 (definition of time-out) is implemented.

1. A procedure for obtaining principal approval of time-out for more than 30 minutes based upon the individual student’s continuing agitation.

Address how 46.04(1)(j) is implemented.

1. A requirement that the timeout cease as soon as the student is calm.

Address how this section of 46.02 (definition of time-out) is implemented.

For additional guidance, see:[Reducing or Eliminating the Use of Time-Out Rooms](https://www.doe.mass.edu/specialeducation/policy/dese/advisories/2021-0910timeout-rooms.docx)

## *Criterion 9.4 Physical Restraint Policies and Procedures*

1. Methods for engaging parents and students in discussions about restraint prevention and use

Address how this requirement of 46.04(1)(b) is implemented.

1. A description and explanation of the method of physical restraint used by the program in an emergency situation.

Address how this requirement of 46.04(1)(c) is implemented.

1. A statement prohibiting seclusion, medication restraint, mechanical restraint, and prone restraint unless permitted under 603 CMR 46.03(1)(b).
2. Address how these requirements of 46.04(1)(d), and 46.03(1)(a) and (b) are implemented.
3. Physical restraint shall be used only in emergencies of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

Address how the requirements of 46.01(3)(a) and (b) are implemented.

1. A description of the program’s procedure for conducting periodic review of data and documentation on the program’s use of restraint.

Address how 46.04(1)(g), 46.06(5) and 46.06(6) are implemented.

1. A description of the program's training requirements for all staff

Address how the program implements the requirements of 46.04(2).

1. A description of the intensive staff training for those who serve as restraint resources for the program.

Address how the program implements the requirements of 46.04(3) and (4).

1. Reporting requirements and follow-up procedures for reports to parents/guardians and to DESE.

Address how the following are implemented: 46.04(1)(e), (h), and (i); reporting requirements of 46.06.

1. A procedure for receiving and investigating complaints regarding restraint practices.

Address how the program meets the requirements of 46.04(1)(f). The description should include timelines and a mechanism for appeal.

1. The director or his/her designee shall maintain an ongoing record of all instances of physical restraint, which shall be made available for review by DESE upon request.

Address how the program meets these requirements of 46.06(2).

NOTE: A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104

CMR 27.12 or 104 CMR 28.05, where applicable.

NOTE:Physical restraint training must be provided to all program staff within the first month of the school year regarding restraint prevention and the requirements when restraint is used.

For employees hired after the school year begins, physical restraint training must be provided and completed within one month of the date of hire of the employee.