

# Shore Educational Collaborative

**Shore Educational Collaborative Program - The Owen School**

# Program Review Report

## Week of Onsite Visit: April 08, 2024 Draft Report Issued: May 31, 2024

**Final Report Issued: July 01, 2024 Corrective Action Plan Due: July 30, 2024**

**Department of Elementary and Secondary Education Onsite Team Members: Christine Romancewicz, Chairperson**



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Shore Educational Collaborative Program - The Owen School

## Full Approval

Expires: August 31, 2027

### MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION APPROVED SPECIAL EDUCATION SCHOOL PROGRAM REVIEW REPORT OVERVIEW OF REVIEW PROCEDURES

**INTRODUCTION**

The Massachusetts Department of Elementary and Secondary Education (Department) is required under M.G.L. c. 71B, §10 to review special education programs in collaborative and approved public day school programs that serve publicly funded students under the provisions of Board of Elementary and Secondary Education Regulations 603 CMR 18.00, 28.09 and 46.00. Each year, the Department's Office of Approved Special Education Schools (OASES) conducts onsite visits to selected collaborative and approved public day school programs to verify the implementation of these programs. In the spring of the previous school year, the schools participating in review cycle were notified of the dates of the onsite visits and were required to conduct a Data Collection before the onsite portion of the review using the Department's Communication Hub and Monitoring Portal (CHAMP).

The statewide six-year Collaborative Program Review cycle together with the Department’s Mid-cycle monitoring schedule is posted on the Department’s Website at [https://www.doe.mass.edu/oases/crs/6yrcycle.html.](https://www.doe.mass.edu/oases/crs/6yrcycle.html)

### SCOPE OF COLLABORATIVE PROGRAM REVIEW

The Office of Approved Special Education Schools of the Massachusetts Department of Elementary and Secondary Education oversees compliance with education requirements through its Collaborative Program Review System (PR), private special education school program reviews, as well as reviews of certain Special Education in Institutional Schools Settings programs. The collaborative reviews cover selected requirements in the following areas: Special Education (CSE)

 Selected requirements from the federal Individuals with Disabilities Education Act (IDEA); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education’s Special Education regulations (603 CMR 28.00), as amended effective March 27, 2018.

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

 Selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5, as amended by Chapter 199 of the Acts of 2011, and

M.G.L. c. 269 §§ 17 through 19.

 Selected requirements from the Massachusetts Board of Education’s Physical Restraint regulations (603 CMR 46.00).

 Selected requirements from the Massachusetts Board of Education’s Student Learning Time regulations (603 CMR 27.00).

 Selected requirements governing bullying prevention and intervention under M.G.L. c. 71 § 37H, as amended by Chapter 92 of the Acts of 2010, and as amended by sections 72-74 of the Acts of 2013; M.G.L. c. 71, §37O.

 Various requirements under other federal and state laws.

Approved Public Day Program Standards (APD) (where applicable)

 Selected requirements from the Massachusetts Board of Elementary and Secondary Education Special Education regulations from 603 CMR 28.09.  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

The report includes findings in the program areas reviewed organized under three components: Special Education Legal Standards, Civil Rights: Methods of Administration and Other Related General Education Requirements and Approved Public Day Program Standards.

The findings in each area explain the “ratings,” determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially “Implemented”. (Refer to the “Definition of Compliance Ratings” section of the report.) Where criteria were found to be either "Partially Implemented," "Implementation in Progress," or "Not Implemented," the collaborative must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. The collaborative is expected to incorporate the corrective action into their professional development plans.

### Collaborative Program Review Elements

**Criteria:** The Collaborative Program Review criteria encompass key elements drawn from 603 CMR 18.00, 28.09, 46.00 and the approved public day school program’s application for approval. They also include those required by the federal Office for Special Education Programs (OSEP) and revised requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq. (IDEA-2004) as described in the Department's Special Education Advisories. Through the Desk Review the OASES chairperson examines the Data Collection submission and determines which criteria will be followed up on through onsite verification activities. The Data Collection and Desk Review are both described below.

**Data Collection Phase:** This is a requirement for all collaborative programs being monitored. It is completed for the onsite review and covers all of the Department selected criteria. The collaborative is responsible for completing the Self- Assessment for each individual program being reviewed, which consists of:

 Collaborative review of policies and procedures,

 Collaborative review of student documentation including a sample of student records.  Collaborative review of facilities, buildings, and grounds.

Upon completion of these portions, the collaborative submits the Data Collection to the Department for review.

**Desk Review Phase:** The OASES chairperson assigned to each collaborative reviews the responses by the collaborative regarding the critical elements for appropriate policies, procedures, and practices, as well as actual documents and data submitted for each criterion. The OASES chairperson also reviews documents, student record data, and explanatory comments. The outcome of this review, along with 3-year trend data from the Problem Resolution System, restraint reports, restraint injuries, serious incidents and notification or prior approval from the Department through its notification system is used to determine the scope and nature of onsite activities.

**Onsite Verification Phase:**

This includes activities selected from the following:

 Interviews with administrative, instructional, and other staff consistent with those criteria selected for verification.  Telephone interviews as requested by parents, guardians or members of the general public.

 Review of student records: The Department selects a sample of student records from those the collaborative reviewed as part of its data collection to verify the accuracy of the data. The Department also conducts an independent review of a sample of student records that reflect activities conducted since the beginning of the school year. The Department monitoring team will conduct this review using standard Department procedures to determine whether procedural and programmatic requirements have been implemented.

 Observation of classrooms and other facilities: The team observes a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

**Team:** Depending upon the scope of follow-up activities that have been identified based on the Department’s Desk Review of the collaborative’s Data Collection, a two-to-three-member Department team will conduct a two-to-five-day Program Review.

**Final Report:** A Final Report is then issued via the CHAMP. The Final Report includes findings organized under 4 specified compliance areas. The findings explain the “ratings,” or determinations by the Department about the implementation status of the compliance criteria reviewed within each of these areas. The ratings indicate those criteria that were found by the OASES monitoring team to be “Implemented,” “Implementation in Progress,” “Partially Implemented,” or “Not Implemented.”

**Response:** The collaborative program must propose to the Department corrective action to bring into compliance with the required statute or regulation each area found to be not fully “Implemented.” In some instances, the team may have found certain requirements to be fully “Implemented” but made a specific comment on the program’s implementation methods that also may require response from the collaborative. **Under federal Special Education State Performance Plan requirements pursuant to IDEA-2004, public and approved special education school programs serving disabled students must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department’s Final Program Review Report.**

### REPORT INTRODUCTION

A -member team conducted a visit to Shore Educational Collaborative during the week of April 08, 2024 to evaluate the implementation of selected compliance criteria under the Massachusetts Board of Elementary and Secondary Education Regulations 603 CMR 18.00 (Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs) and 603 CMR 28.09 (Approval of Public or Private Day and Residential Special Education School Programs), 603 CMR 46.00 (Prevention of Physical Restraint and Requirements If Used), M.G.L c. 71B, the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq, as amended in 2004 (IDEA--2004), and civil rights provisions that are pertinent to Approved Special Education School Programs. The team appreciated the opportunity to interview staff, to observe classroom facilities, and to review the program efforts underway.

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

 Interviews of 4 leadership staff;

 Interviews of 3 related services staff;  Interviews of 5 teaching staff; and

 Interviews of 3 direct care staff.

 Student record review: A sample of 11 Massachusetts student records was selected by the Department. Student records were first examined by the school program’s staff and then verified by the OASES monitoring team using standard Department student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements. An additional number of randomly selected student records were also reviewed by the OASES monitoring team to ensure determinations regarding the implementation of procedural and programmatic requirements remain in effect.

 Observation of classrooms and other facilities: A sample of instructional classrooms and other facilities used in the delivery of programs and services was observed to determine general levels of compliance with program requirements.

#### Summary of Compliance Criteria Included In This Report Requiring Corrective Action Plan Development In Response to the Following Program Review Report Findings

**Implemented**

 The requirement is totally or substantially met

#### Implemented Response Required

 The requirement is met, but the Agency is required to provide additional information.

#### Implementation in Progress

 This rating is used for criteria containing new or updated legal requirements and means that the agency has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

#### Partially Implemented

 The requirement, in one or several important aspects, is not entirely met.

#### Not Implemented

 The requirement is totally or substantially not met.

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| **Policies & Procedures** |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **CCR 7A School year schedules** | All |  |  |  |  |
| **CCR 9 Hiring and employment practices of prospective employers of students** | All |  |  |  |  |
| **CCR 10C Student Discipline** | All |  |  |  |  |
| **CCR 11A****Designation of coordinator(s); grievance procedures** | All |  |  |  |  |
| **CCR 14****Counseling and counseling materials free from bias and stereotypes** | All |  |  |  |  |
| **CCR 24****Curriculum review** | All |  |  |  |  |

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| **Staff Documentation** |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **CCR 18A** |  |  |  |  |  |

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| **Collaborative employment practices** | All |  |  |  |  |
| **CCR 21 Staff training regarding civil rights responsibilities** | All |  |  |  |  |
| **CSE 51 Appropriate Special Education Teacher Licensure** | All |  |  |  |  |
| **CSE 52 Appropriate certifications/licenses or other****credentials-- related service providers** | All |  |  |  |  |
| **CSE 52A****Registration of educational interpreters** | All |  |  |  |  |
| **CSE 53 Use of Paraprofessionals** | All |  |  |  |  |
| **CSE 54 Professional Development** | All |  |  |  |  |

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| **Student Documentation** |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **CCR 7 Information to be translated into languages other than English** | All |  |  |  |  |
| **CCR 10 Anti-Hazing Reports** | All |  |  |  |  |
| **CCR 10A Student handbooks and codes of conduct** |  |  |  | Shore Educational Program - The Owen School |  |
| **CCR 10B Bullying Prevention and Intervention** | All |  |  |  |  |
| **CCR 17A Use of physical restraint on any student enrolled in a publicly-funded education program** | All |  |  |  |  |
| **CCR 20 / CCR26A****Staff training on confidentiality of student records/Confidentiality and student records** | All |  |  |  |  |
| **CSE 13 Progress Reports and Content** | All |  |  |  |  |
| **CSE 22 IEP****implementation and availability** | All |  |  |  |  |

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| **CSE 29****Communications are in English and Primary language of home** | All |  |  |  |  |
| **CSE 40 Instructional grouping requirements for students aged five and older** | All |  |  |  |  |
| **CSE 41 Age Span requirements** | All |  |  |  |  |
| **CSE 46 Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district** | All |  |  |  |  |

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| **Buildings/Facilities** |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **CSE 55 Special Education Facilities and Classrooms** | All |  |  |  |  |

### Student Documentation

#### CCR 10A Student handbooks and codes of conduct

**Requirements**

1. a) The collaborative has a code of conduct for students and one for teachers.

1. 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.
2. The principal/program director of every collaborative program containing other grades distributes the student code of conduct to students, parents, and personnel annually.
3. 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.
4. Student codes of conduct contain:
	1. procedures assuring due process in disciplinary proceedings; and
	2. appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans.
5. Student handbooks and codes of conduct reference M.G.L. c. 76, § 5 and contain:
	1. 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;
	2. the procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and
	3. the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.

**Legal Standards**

[M.G.L. c. 71, §§ 37H, 37H 1/2 and 37H 3/](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37H)4 [Section 504 of the Rehabilitation Act of 1973. 603 CMR 53.0](https://www.doe.mass.edu/lawsregs/603cmr53.html)0 [603](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=08) [CMR 26.08, as amended by Chapter 199 of the Acts of 2011.](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=08)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Shore Educational Program - The Owen School | Partially Implemented | Yes | A review of records and staff interviews indicated that student records do not contain documentation that parents/ guardians receive handbook annually. Therefore, the Department was unable to verify parents/guardians receive required collaborative policies annually. |