

ACCEPT Education Collaborative

**Academic/Language Based - HS Academic/Language Based - ELEM Academic/Language Based - MS Academic/Life Skills - ELEM Academic/Life Skills - HS Academic/Life Skills - MS Academic/Therapeutic - ELEM Academic/Therapeutic - HS Academic/Therapeutic - MS**

**Transitions - Academic/Life Skills - C2C Transitions - Academic/Therapeutic - 5 for 5 Transitions - Academic/Language Based - Passages**

Program Review Report

**Week of Onsite Visit: May 05, 2025 Draft Report Issued: May 22, 2025**

**Final Report Issued: June 06, 2025 Corrective Action Plan Due:**

**Department of Elementary and Secondary Education Onsite Team Members: Christina Belbute, Chairperson**

**Christine Romancewicz, Team Member**



Patrick Tutwiler Interim Commissioner

# 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 two-member team conducted a visit to ACCEPT Education Collaborative during the week of May 05, 2025 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 4 related services staff;  Interviews of 4 teaching staff; and

 Interviews of 4 direct care staff.

 Student record review: A sample of 20 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.

**1. 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** |
| \* **APD 2.2**  **Approvals, Licenses, Certificates of Inspection** | All |  |  |  |  |
| **APD 4.2 Public Information and Postings** | All |  |  |  |  |
| **APD 9.1 (a)**  **Student Separation Resulting from Behavior Support** |  |  |  | Academic/Therapeutic - ELEM;Academic/Life Skills - ELEM;Transitions - Academic/Life Skills - C2C;Transitions - Academic/Therapeutic - 5 for 5;Transitions - Academic/Language Based - Passages |  |
| **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 |  |  |  |  |

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| **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** |
| **APD 12.2 In-service Training Plan and Calendar** | All |  |  |  |  |
| **APD 16.3 Nursing** | All |  |  |  |  |
| **CCR 18A**  **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** |
| **APD 4.5 Immediate Notification** | All |  |  |  |  |
| **APD 15.5 Parent Consent and Required Notification** |  |  |  | Academic/Therapeutic - ELEM;Transitions - Academic/Life Skills - C2C;Transitions - Academic/Therapeutic - 5 for 5;Academic/Life Skills  - ELEM;Transitions - |  |

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|  |  |  |  | Academic/Language Based - Passages |  |
| **CCR 10 Anti-Hazing Reports** | All |  |  |  |  |
| \* **CCR 10A Student handbooks and codes of conduct** |  |  |  | Academic/Life Skills - HS;Academic/Life Skills - MS;Academic/Therapeutic  -  HS;Academic/Therapeutic  - MS |  |
| **CCR 10B Bullying Prevention and Intervention** | All |  |  |  |  |
| **CCR 17A Use of physical restraint on any student enrolled in a publicly-funded education program** |  |  |  | Academic/Life Skills - MS;Academic/Life Skills  -  HS;Academic/Therapeutic  -  HS;Academic/Therapeutic  - MS |  |
| **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 |  |  |  |  |
| **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** |
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| **CSE 55 Special Education Facilities and Classrooms** | All |  |  |  |  |

\*Criterion was not previously included in the standard review cycle, but was reviewed during the Onsite visit.

## Policies & Procedures

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

**Requirements**

If the program’s behavior support policy and procedures result in a student being separated in a room apart from the group or program activities, it shall include, but not be limited to, the following:

1. Guidelines for staff in the utilization of such an area;
2. Persons responsible for implementing such procedures;
3. The duration of the procedures including procedures for approval by the chief administrative person or his/her designee for any period longer than 30 minutes;
4. Requirement that students shall be observed at all times and in all parts of the room, and that the staff shall be accessible at all times; and
5. A means of documenting the use of time-out for an individual student, including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who monitored the student during the time out.
   1. Time out rooms shall not be locked.
   2. Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.

**Legal Standards**

[18.05(5)(i), 18.05(6,7](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)) 46.02(5)(b)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Academic/Therapeutic  -  ELEM;Academic/Life Skills - ELEM;Transitions - Academic/Life Skills   * C2C;Transitions - Academic/Therapeutic * 5 for 5;Transitions - Academic/Language Based - Passages | Partially Implemented | Yes | Through documentation review and staff interviews, it was not evident that the program's policy on student separation resulting from behavior support contained all the required elements or that all staff had been trained on the required elements. |

## Student Documentation

**Requirements**

The program shall develop and implement policy and procedures to work with school districts to obtain the following consents: 1. Annual: a. Emergency medical treatment b. Medication Administration (when applicable) 2. When applicable: a. Research b. Experimentation c. Fundraising d. Publicity and e. Observation 3. The program’s policy 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.

**State Requirements**

603 CMR 18.05(5)(c), 18.05(8), 18.05(9)(f)(1) and 18.05 (9)(f)(1) and (j); M.G.L. c. 71, § 32A.

**Legal Standards**

603 CMR 18.05(5)(c), 18.05(8), 18.05(9)(f)(1) and 18.05 (9)(j); M.G.L. c. 71, § 32A.

**Confirmed Findings**

**APD 15.5 Parent Consent and Required Notification**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Academic/Therapeutic   * ELEM;Transitions - Academic/Life Skills * C2C;Transitions - Academic/Therapeutic * 5 for 5;Academic/Life Skills - ELEM;Transitions - Academic/Language Based - Passages | Partially Implemented | Yes | While a review of documentation and student records showed that some annual notifications had been provided, it was not evident that all annual notifications and consents had been provided to all parents/guardians within the expected timeframes. |

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

**Requirements**

1. a) The collaborative has a code of conduct for students and one for teachers.
2. 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.
3. The principal/program director of every collaborative program containing other grades distributes the student code of conduct to students, parents, and personnel annually.
4. 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.
5. 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.
6. 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** |
| Academic/Life Skills - HS;Academic/Life Skills - MS;Academic/Therapeutic  -  HS;Academic/Therapeutic  - MS | Partially Implemented | Yes | While a review of documentation and student records showed that student handbooks and codes of conduct had been provided, it was not evident that all required documentation within the criteria had been provided to all parents/guardians within the annual expected timeframes. |

**CCR 17A Use of physical restraint on any student enrolled in a publicly-funded education program**

**Requirements**

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:

* 1. Student name,
  2. Dates of restraint,
  3. Time of restraint,
  4. Duration of restraint,
  5. Individuals involved in the restraint, and
  6. Whether or not anyone (student or staff) was injured.

NOTE: A residential educational program must comply with ESE restraint requirements under 603 CMR 46.00 during school hours and EEC restraint requirements under 102 CMR 3.00 during residential hours.

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.

**Legal Standards**

[M.G.L. c. 71, §37G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37G) [603 CMR 18.05(5](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)) [603 CMR 46.00.](https://www.doe.mass.edu/lawsregs/603cmr46.html)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Academic/Life Skills - MS;Academic/Life Skills  -  HS;Academic/Therapeutic  -  HS;Academic/Therapeutic  - MS | Partially Implemented | Yes | Through documentation review and staff interviews, it was not evident that the program's policy on student separation resulting from behavior support contained all the required elements or that all staff had been trained on the required elements. |