***Massachusetts Department of***

***Elementary and Secondary Education***

*75 Pleasant Street, Malden, Massachusetts 02148-4906 Telephone: (781) 338-3700*

 *TTY: N.E.T. Relay 1-800-439-2370*

December 14, 2017

Mr. David Drake, Headmaster

Massachusetts Foundation of Learning Disabilities

White Oak Day Program

533 North Road

Westfield, MA 01085

Re: Mid-cycle Review and Verification of previous Program Review Corrective Action Plan

 A - White Oak Day Program

Dear Mr. Drake,

Enclosed is the Department of Elementary and Secondary Education’s (“Department”) Mid-cycle Review Report based upon the Mid-cycle Review conducted in your private school program in September 2017. This Mid-cycle Review Report contains the Department's findings regarding the implementation status and effectiveness of corrective steps taken in response to your previous Program Review Report issued on April 30, 2015. This report also includes a report on the status of implementation for new state or federal special education requirements enacted since your program’s last Program Review. Because the Department determined all requirements were found to be either fully implemented during the 2015 Program Review, this Mid-cycle Review Report includes a report on the status of selected Mid-cycle Review criteria as well as the implementation of new state or federal special education requirements enacted since your program’s last Program Review.

While the Department found certain noncompliance issues to be resolved, others were partially corrected or new issues were identified by the Department’s onsite team. Therefore, the Department is issuing a “Provisional Approval” status effective from the date of this letter and indicated on your approval certificate. Your “Provisional Approval” will expire on March 30, 2018. The reasons for the “Provisional Approval” are clearly indicated on the attached Mid-cycle Review Report.

As the Department previously informed you, in cases where a program fails to fully and effectively implement a Corrective Action Plan which was proposed by your program and approved by the Department, the Department must then prepare a Corrective Action Plan for the program which must be implemented without further delay. You will find these requirements for corrective action and further progress reporting included in the attached report, together with any steps that must be taken by the program to fully implement new special education requirements. Please provide the Department with your written assurance that the Department's requirements for corrective action will be implemented by your program within the timelines specified. Your statement of assurance must be submitted to the Department's Onsite Chairperson by

**December 29, 2017.**

The Department will notify you of your program’s next regularly scheduled Program Review several months before it is to occur. At this time we anticipate the next routine monitoring visit to occur sometime during the 2020-2021 school year, unless the Department determines that there is some reason to schedule this visit earlier.

**Please be advised that the attached Department Approval Certificate must be conspicuously posted in a public place within the program as required by 603 CMR 28.09.**

Your staff's cooperation throughout these follow-up monitoring activities is appreciated. Should you require additional clarification of information included in our report, please do not hesitate to contact the Onsite Team Chairperson.

Sincerely,

Doreen Donovan-Barbera, Mid-cycle Review Chairperson

Office of Approved Special Education Schools

Nina M. Marchese, M.Ed., Director

Office of Approved Special Education Schools

c: Jeff Wulfson, Acting Commissioner of Elementary and Secondary Education

 Martin Pion, President of the Board of Directors

Encl.: Mid-cycle Review Report

Provisional Approval Certificate, Expiration Date: March 30, 2018

 White Oak Day Program

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|  | ESE Logo | **MID-CYCLE REVIEW REPORT****Massachusetts Foundation of Learning Disabilities****MCR Onsite Dates:** **09/28/2017 - 09/29/2017****Programs under review for the agency:****A - White Oak Day Program**  |
|   |  | Jeff Wulfson, Acting Commissioner of Elementary and Secondary Education |
| **MID-CYCLE REVIEW REPORT** |

| **PS Criterion #2.2 - Approvals, Licenses, Certificates of Inspection** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation and observation indicated that there were current approvals, licenses and certificates of inspection for all buildings used by the students. |

| **PS Criterion #2.3 - EEC Licensure (Residential Programs Only)** |
| --- |
| **Rating:** |
| Not Applicable |
| **Basis for Findings:** |
| This standard is not applicable to day programs. |

| **PS Criterion #4.5 - Immediate Notification** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that the policy on Immediate Notification regarding serious incidents meets the current requirements and included notification to appropriate parties of such incidents, as well as the person responsible for oversight. A review of student records showed that the program maintains copies of all incidents regarding students. |

| **PS Criterion #6.1 - Daily Instructional Hours/6.4 School Days Per Year** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that all students were scheduled to receive the required number of instructional hours, and that the required number of school days was scheduled for all students. |

| **PS Criterion #8.5 - Current IEP & Student Roster** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation and student records indicated that there was a current IEP for each enrolled Massachusetts student that had been issued by the responsible public school district and consented to by the student's parent or the student, when applicable. In student records where an IEP was found to not be current, there was documentation of the program's efforts to obtain a current IEP from the responsible school district. |

| **PS Criterion #9.1 - Policies and Procedure for Behavior Support** |
| --- |
| **Rating:** |
| Implementation In Progress |
| **Basis for Findings:** |
| A review of documentation and interviews indicated that the program policy and procedures for Behavior Support did not include a description of the program's procedures for receiving and investigating complaints regarding behavior support policies. |
| **Department Order of Corrective Action:** |
| The program must submit revised policy and procedures for Behavior Support, that includes all requirements, specifically, "A description including timelines of the program's procedure for receiving and investigating complaints regarding behavior support policies." Following approval of the revised policy and procedures from the Department, the program will be required to train staff on the revised policy and procedures for Behavior Support. |
| **Required Elements of Progress Reports:** |
| By January 12, 2018, the program must submit a revised policy and procedures for Behavior Support, that includes all requirements of this criterion. Following the Department's approval of the revised policy and procedures and no later than February 16, 2018, the program must submit (1) a list of all program staff, (2) training materials provided to all staff on the policies and procedures for Behavior Support, and (3) agenda and staff attendance sheets for training on the policies and procedures for Behavior Support. |
| **Progress Report Due Date(s):** |
| 01/12/2018 | 02/16/2018 |  |  |

| **PS Criterion #9.1(a) - Student Separation Resulting from Behavior Support** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation and staff interviews indicated that the policy and procedures regarding Student Separation Resulting from Behavior Support included that a student must be continuously observed by a staff member at all times, that staff shall be with the student or immediately available to the student at all times, that procedures were in place for obtaining principal approval of the time-out for more than 30 minutes based upon the student's continuing agitation, and that time out shall cease as soon as the student has calmed. |

| **PS Criterion #9.4 - Physical Restraint** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation and staff interviews indicated that the program administers physical restraints only in emergency situations of last resort when needed to protect a student and/or a member of the school community for 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. |

| **PS Criterion #9.7 - Terminations** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| Documentation and interviews indicate that the program has developed and was implementing a written termination policy that included provisions regarding both Planned Terminations and Emergency Terminations. |

| **PS Criterion #11.3 - Educational Administrator Qualifications** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that the Educational Administrator possessed the required qualifications to serve in this position. |

| **PS Criterion #11.4 - Teachers (Special Education Teachers and General Education Teachers)** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that at the time of the Mid-cycle Review, teaching staff were appropriately licensed or had been granted an appropriate waiver for the 2016-17 school year. |

| **PS Criterion #11.5 - Related Services Staff** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated that the staff providing or supervising the provision of related services were appropriately certified, licensed or registered in their professional areas. |

| **PS Criterion #11.6 - Master Staff Roster** |
| --- |
| **Rating:** |
| Implemented |
| **Basis for Findings:** |
| A review of documentation indicated the Master Staff Roster contained the name, program job title, corresponding Uniform Financial Report (UFR) title number and full-time equivalent (FTE) for all staff. The Master Staff Roster also accurately corresponded to the last approved ESE staffing plan. |

| **PS Criterion #12.1 - New Staff Orientation and Training** |
| --- |
| **Rating:** |
| Implementation In Progress |
| **Basis for Findings:** |
| A review of documentation, interviews and staff records indicated that newly hired staff were trained on Behavior Support and Physical Restraint policies that were not fully in compliance with regulations. |
| **Department Order of Corrective Action:** |
| The program must train all newly hired staff in the updated Physical Restraint policies and procedures and the updated policies and procedures for Behavior Support, upon ESE approval. |
| **Required Elements of Progress Reports:** |
| By February 16, 2018, and following ESE's approval of the updated policies & procedures specifically on Behavior Support (criterion 9.1) and Physical Restraints (criterion 9.4), the program must submit: (1) a list of the names and roles of all staff hired for the 2017-2018 school year; (2) each employee's date of hire; (3) the name and job title of the person conducting each of the training sessions; (4) the date and time for each of the trainings; (5) the length of time allotted for each of the trainings; and (6) evidence of attendance in each of the trainings for each newly hired staff for the 2017-2018 school year. |
| **Progress Report Due Date(s):** |
| 02/16/2018 |  |  |  |

| **PS Criterion #12.2 - In-Service Training Plan and Calendar** |
| --- |
| **Rating:** |
| Implementation In Progress |
| **Basis for Findings:** |
| A review of documentation, interviews and staff records indicated that while staff were trained on Behavior Support and Physical Restraint policies, they that were not fully in compliance with current regulations. See criterion 9.1 and 9.4. |
| **Department Order of Corrective Action:** |
| Once approved by ESE, the program must train all staff on the updated policies and procedures on Behavior Support (criterion 9.1) and Physical Restraint (criterion 9.4). |
| **Required Elements of Progress Reports:** |
| By February 16, 2018, and following ESE's approval of the updated policies & procedures specifically on Behavior Support (criterion 9.1) and Physical Restraints (criterion 9.4), the program must submit: (1) a list of the names and roles of all staff employed for the 2017-2018 school year; (2) the name and job title of the person conducting each of the training sessions; (3) the date and time for each of the trainings; (4) the length of time allotted for each of the trainings; and (5) evidence of attendance in each of the trainings for each employee for the 2017-2018 school year. |
| **Progress Report Due Date(s):** |
| 02/16/2018 |  |  |  |