

McLean Hospital, Inc.

**Arlington Day Program
Center for Neuronintegrative Services
(CNS Pathways Academy) Program**

**PRIVATE SPECIAL EDUCATION SCHOOL
PROGRAM REVIEW
REPORT OF FINDINGS**

Dates of Onsite Visit: January 23, 2018 - February 2, 2018

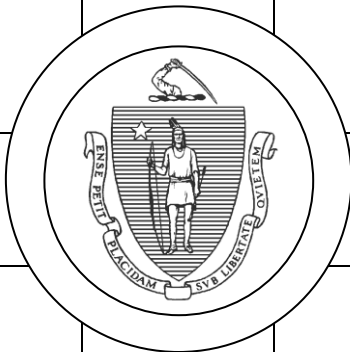
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**Acting Commissioner Jeff Wulfson
Massachusetts Department of Elementary and Secondary Education**

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW

McLean Hospital, Inc.
Arlington Day Program
Center for Neuronintegrative Services
(CNS Pathways Academy) Program

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MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

APPROVED PRIVATE 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 approved private special education schools that serve publicly funded students under the provisions of Board of Elementary and Secondary Education Regulations 603 CMR 28.00 and 18.00. Each year, the Department's Office of Approved Special Education Schools conducts onsite visits to selected approved private school programs to verify the implementation of these programs. The selected schools for the 2017-2018 review cycle were notified in February 2017 of scheduled visits and were required to conduct a Self-Assessment using the Department's web-based monitoring system (WBMS) before the arrival of the Department's visiting team.

The statewide six-year Private School Program Review cycle together with the Department’s Mid-cycle monitoring schedule is posted on the Department’s web site at <http://www.doe.mass.edu/pqa/review/psr/6yrcycle.html>.

Web-based Approach to Monitoring

In the 2012-2013 school year and continuing forward, all Program Reviews are conducted using the web-based approach to comprehensive monitoring, allowing both programs and the Department to submit, review and exchange documents and information through the Department’s security portal. This new approach combines familiar elements from the standard Program Review procedures in combination with new features that strengthen accountability and oversight on a continuous basis. The WBMS has already been successfully used in conducting the Department’s public school monitoring.

Private School Program Review Elements

Criteria: The Program Review criteria encompass key elements drawn from 603 CMR 18.00 and 28.00 and the private 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. PQA, through the Desk Review, examines the Self-Assessment submission and determines which criteria will be followed up on through onsite verification activities. The Self-Assessment and Desk Review are both described below.

Self-Assessment Phase: This is a requirement for all agencies being monitored. It is completed in the year prior to the onsite review and covers all of the monitoring criteria. The agency is responsible for completing the Self- Assessment for each individually approved program being reviewed, which consists of:

- Agency review of documentation for required elements including document uploads.
- Agency review of a sample of student records selected.
- Agency review of a sample of staff records selected.

Upon completion of these portions of the Self-Assessment, it is submitted to the Department for review.

Desk Review Phase: The PQA chairperson assigned to each agency reviews the responses by the private school program to questions regarding the critical elements for appropriate policies, procedures, and practices, as well as actual documents and data submissions by criteria. The student record review data, staff record review data, and explanatory comments are examined. The outcome of this review, along with 3-year trend data from the Problem Resolution System, and required notifications to the Department is used to determine the scope and nature of the Department's onsite activities.

Onsite Verification Phase: This includes activities selected from the following:

- Interviews of administrative, instructional, and other staff consistent with those criteria selected for onsite verification.
- Interviews of parent representatives and other telephone interviews as requested by other parents or members of the general public.
- Review of student records and staff records: The Department selects a sample of student and staff records from those the agency reviewed as part of its self-assessment to verify the accuracy of the data. The Department also conducts an independent review of a sample of student and staff records that reflect activities conducted since the beginning of the school year. The onsite team will conduct this review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
- Surveys of parents of students with disabilities: Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the agency's implementation of special education, related services, and procedural requirements by its private school programs.
- Observation of classrooms and other facilities: The onsite team visits 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 onsite activities that have been identified based on the Department's Desk Review of the agency's Self-Assessment, a 2-3 member Department team will conduct a 3-5 day onsite Program Review.

Report: The report is based on a review of the written documentation regarding the operation of the school's programs and the information gathered from the Onsite Verification Phase. A Draft Report of Comments is issued via the WBMS. Agencies may respond to the factual accuracy of the report within 10 business days.

A Final Report is then issued via the WBMS and in hard copy. The findings in the Final Report note those criteria that the team found to be implemented, not implemented or not fully implemented. Findings for each program area describe determinations of the Department about the implementation status of each requirement (criterion) reviewed. The Department's Approved Private School Program Review Final Reports are posted on the Department's web site at <http://www.doe.mass.edu/pqa/review/psr/reports/default.html>.

Response: Where criteria are found not to be fully implemented, the agency is required to propose corrective actions, within 20 business days of receipt of the Final Report, to bring those areas into compliance with the respective statutes or regulations for each affected private school program. **Under federal *Special Education State Performance Plan* requirements pursuant to IDEA-2004, public and private 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. A program is required to incorporate the required corrective action into its Re-approval Application as required by 603 C.M.R. Section 28.09. Additionally, a program is encouraged to incorporate any required corrective action as approved by the Department into its internal improvement plans, including the program's professional development plans.

The Department believes that the Private School Program Review process is a positive experience and that the Final Report is a helpful planning document for the continued development and improvement of programs and services in each approved private school program.

REPORT INTRODUCTION

A two-member team visited McLean Hospital, Inc. January 22-February 2, 2018 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 Private 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 Private 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 four administrative staff;
- Interviews of four clinical staff;
- Interviews of five teaching and educational support services staff;
- Interviews of three childcare staff; and
- Interviews of no Parent Group representatives and of no other parents of Massachusetts students enrolled in the school program.
- Student record review: A sample of twelve Massachusetts student records was selected by the Department. Student records were first examined by the school program's staff and then verified by the onsite 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 Department staff to ensure determinations regarding the implementation of procedural and programmatic requirements remain in effect.
- Staff record review: A sample of thirteen staff records was selected by the Department. Staff records were first examined by the school program's staff and then verified by the onsite team using standard Department staff record review procedures to make determinations regarding the implementation of procedural and programmatic requirements. An additional number of randomly selected staff records were also reviewed by Department staff to ensure determinations regarding the implementation of procedural and programmatic requirements remain in effect.
- Observation of classrooms and other facilities: A sample of eleven instructional classrooms and other facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities: 24 parents of students with disabilities were sent surveys that solicited information about their experiences with the school program's implementation of special education programs, related services and procedural requirements; nine of these parent surveys were returned to the Department for review.

The report includes findings organized under 16 specified compliance areas listed in the table of contents. The findings explain the "ratings," or determinations by the team about the implementation status of the compliance criteria reviewed within each of these areas. The ratings indicate those criteria that were found by the team to be "Implemented", "Implementation in Progress", "Partially Implemented" or "Not Implemented". The private school program must propose to the Department corrective action to bring

those areas into compliance with the controlling statute or regulation. In some instances the team may have found certain requirements to be fully “Implemented” but made a specific comment on the school program’s implementation methods that also may require response from the private school program.

The private school program is expected to incorporate the corrective action into any program improvement plans, including the school program’s professional and paraprofessional staff development plan.

**McLean Hospital, Inc.
Arlington Day Program**

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION PLAN DEVELOPMENT
in response to the following
PROGRAM REVIEW REPORT FINDINGS**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 1: Demonstration of Need and Capacity			
Area 2: Administration – Approvals, Licenses and Certificates Documentation			
Area 4: Disclosure of Information			
Area 5: Administration and Admissions Procedures			
Area 6: Educational Program Requirements -- Student Learning Time			
Area 8: Educational Program Requirements – Individualized Education Programs			
Area 9: Educational Program Requirements -- Student Discipline and Behavior Management			
Area 10: Educational Staffing Requirements -- Ratios			
Area 11: Educational Staffing Requirements -- Personnel Policies			
Area 12: Educational Staffing Requirements -- Staff Training			
Area 13: Physical Facility and Equipment Requirements			
Area 15: Parent and Student Involvement			
Area 16: Health and Medical Services			
Area 18: Student Records			
Area 19: Anti-Hazing			
Area 20: Bullying Prevention and Intervention			

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE or NOT RATED” RATING.

**McLean Hospital, Inc.
Center for Neuronintegrative Services (CNS Pathways Academy) Program**

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DEFINITION OF TERMS
FOR THE RATING OF EACH COMPLIANCE CRITERION

Implemented	The requirement or criterion is substantially met.
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.
Not Applicable or Not Rated	The requirement does not apply to the private school program.

**McLean Hospital, Inc.
Arlington Day Program
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AREA 1: DEMONSTRATION OF NEED AND CAPACITY

CRITERION NUMBER	Legal Standard
1.2 Program & Student Description, Program Capacity 28.09(2)(A)(2); 28.09(2)(B)(2, 3, 7)	A narrative is provided that describes: <ul style="list-style-type: none"> • Identified population of students to be served; • Ages of students; • Educational characteristics; and • Behavioral characteristics.

Applies To: All

Rating: Implemented

Response Required: No

AREA 2: ADMINISTRATION - LEGAL AND FINANCIAL DOCUMENTATION

CRITERION NUMBER	Legal Standard
2.2 Approvals, Licenses, Certificates of Inspection 18.04(1); 28.09(2)(b)(5); 28.09(5) (b); 28.09(6) (b, c)	The program has current licenses, approvals, and certificates of inspection by state and local agencies. <ul style="list-style-type: none"> • 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; • Fire Inspection. The program shall obtain a written report of an annual fire inspection from the local fire department; and • Local Board of Health permit (certificate to be obtained at least twice a year).

Applies To: All
Rating: Implemented
Response Required: No

CRITERION NUMBER	
	Legal Standard
2.3 EEC Licensure 102 CMR 3.00 (Residential Programs only)	The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00).

Applies To: All
Rating: Not Applicable
Response Required: No
Department of Elementary and Secondary Education Findings:
This standard does not apply to day programs.

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER	
	Legal Standard
4.2 Public Information and Postings 28.09(2)(b)(4) 28.09(6)(a, b, c, d, e)	The following information must be publicly posted: <ul style="list-style-type: none"> • Current ESE approval certificate; and • Current EEC License if applicable. The following information must be readily available: <ul style="list-style-type: none"> • First aid procedures; • Emergency procedures; and • Emergency telephone numbers.

Applies To: All
Rating: Implemented
Response Required: No

CRITERION NUMBER	
	Legal Standard
4.4 Advance Notice of Proposed Program/Facility Change 18.00; 28.09 (5)(c)	<p>The program notifies the Department using the Department’s Form 1 (http://www.doe.mass.edu/pqa/sa_nr) and also notifies school districts and parents of any new policies and procedures and/or changes in current policies and procedures.</p> <p>Prior to any substantial change to the program or physical plant, the program provides written notification of intent to change to the Department. Notice shall be given with sufficient time to allow the Department to assess the need for the proposed change and the effects of such change on the educational program. The program must also provide written notification to the Department of any sudden and/or unexpected changes that may impact the overall health or safety of students and/or the delivery of services required by IEPs.</p> <p>NOTE: While typically a Form 1 is required for “changes made to ESE required policies and procedures that result in continued adherence to regulatory requirements”, for any policy changes resulting from the changes in 603 CMR 46.00 Regulations on Restraint and Seclusion, such policy changes will be reviewed as part of the Program Review/Mid-cycle Review process; therefore Form 1’s should not be submitted. Changes to ANY other policies and procedures require the program to submit a Form 1 and obtain approval from ESE prior to implementation.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
4.5 Immediate Notification 18.03(10); 18.05(7); 28.09(12) (a, b)	<p>Pursuant to applicable regulations and agency policy this school is hereby providing immediate electronic notification to ESE for ANY student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during SCHOOL HOURS ONLY, except for EMERGENCY TERMINATIONS which is for both school and residential hours.</p> <ol style="list-style-type: none"> 1. The death of any student; (Immediate verbal and written notification to the student’s parents/guardians and school district); 2. The filing of a 51-A report with Department of Children and Families (DCF) OR a complaint filed with the Disabled Persons Protection Commission (DPPC), against the school or a school staff member, for abuse or neglect of any student; 3. Any action taken by a federal, state, or local agency that might jeopardize the school’s approval with ESE (i.e. federal or state investigation; closure of intake); 4. Any legal proceeding brought against the school or its employee(s) arising out of

CRITERION NUMBER	
	Legal Standard
	<p>circumstances related to the care or education of any of its students;</p> <p>5. The hospitalization of a student (including out-patient emergency room visits) due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program;</p> <p>6. A student run from the program; and</p> <p>7. Any other incident of a serious nature that occurs to a student or staff in the program. (Some examples include: any police involvement, any media involvement, weapons, fire setting, alcohol or drug possession or use while in the program).</p> <p><u>FOR BOTH SCHOOL AND RESIDENTIAL HOURS:</u></p> <p>8. The emergency termination of a student pursuant to 28.09(12)(b).</p>

Applies To: All

Rating: Implemented

Response Required: No

AREA 5: ADMINISTRATION AND ADMISSION PROCEDURES

CRITERION NUMBER	
	Legal Standard
<p>5.1 Student Admissions</p> <p>18.05(1)(b)(3) ; 18.05(2-3); 28.09(11); MGL Ch. 71B, Sec. 2</p>	<p>The program develops and implements a written admissions policy that includes the following:</p> <ul style="list-style-type: none"> • A statement that the program maintains a copy of its policies and procedures manual on site; • A statement that the program provides written notice to the parents of enrolled students that copies of its policies and procedures manual are available upon request; • A statement that the Physical Restraint Policy and Procedures are made available to parents of enrolled students; • A statement that all newly enrolled students must be found eligible for special education and on an approved Individualized Education Program; and • Admission criteria.

Applies To: All

Rating: Implemented

Response Required: No

**AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS –
STUDENT LEARNING TIME**

CRITERION NUMBER	Legal Standard
<p>6.1 Daily Instructional Hours/ 6.4 School Days Per Year</p> <p>27.04; 27.05(2); 28.09(9)(a)</p>	<p>The program ensures that each student is scheduled to receive a minimum of the following instructional hours unless otherwise approved by ESE or a student’s IEP provides otherwise:</p> <ul style="list-style-type: none"> • Elementary – A total of: <ul style="list-style-type: none"> ○ 10 month program – 900 hours ○ 11 month program – 990 hours ○ 12 month program – 1080 hours • Secondary – A total of: <ul style="list-style-type: none"> ○ 10 month program – 990 hours ○ 11 month program – 1089 hours ○ 12 month program – 1188 hours <p>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 private special education program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.</p> <p>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.</p> <p>All programs are run for the following minimum number of days (exclusive of weekends, holidays and vacations):</p> <ul style="list-style-type: none"> • 10 month program - 180 days • 11 month program - 198 days • 12 month program - 216 days <p>Before the beginning of each school year, the program sets a school year schedule for each program. This schedule must contain the number of school days per year ESE approved the program to operate and include at least five additional school</p>

CRITERION NUMBER	
	Legal Standard
	days to account for unforeseen circumstances (i.e., snowstorms, flood, etc.).

Applies To: All

Rating: Implemented

Response Required: No

**AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS –
INDIVIDUALIZED EDUCATION PROGRAMS**

CRITERION NUMBER	
	Legal Standard
8.4 Program Modifications and Support Services for English Language Learners (ELLs) M.G.L. c. 71A; Title VI	<p>The program shall develop a written plan to implement necessary program modifications and support services to identify and effectively serve English language learners (ELLs). Such program modifications and support services comply with applicable state law (M.G.L. c. 71A) and federal law (Title VI).</p> <ul style="list-style-type: none"> • The program must acknowledge it is responsible to serve ELLs. • The program must affirm its willingness to accept ELL students into its program. • The student must be afforded the same opportunity to access and participate in the program’s services, activities and other benefits as all other students; and • Unless the student’s IEP specifies otherwise, the student must receive: <ul style="list-style-type: none"> ○ sheltered content instruction from a trained and qualified teacher; and ○ additional instruction in English as a Second Language by a certified ESL teacher.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
8.5 Current IEP & Student Roster 28.09(5)(a)	<p>The program has on file 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)/guardian(s) or student, when applicable.</p> <p>The program has on file a current student roster for ALL enrolled students including out-of-state and privately funded students.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
8.8 IEP – Progress Reports 28.07(3); 34 CFR 300.320(a)(3)(i, ii)	<p>Progress Reports and Content</p> <ul style="list-style-type: none">• Parents receive reports on the student’s progress towards reaching the goals set in the IEP;• Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP;• The program shall send copies of progress reports to the parents/guardians, public school(s) and state agencies as applicable; and• Progress reports must reflect the IEP most recently issued by the responsible school district and consented to by the parent/student/guardian.

Applies To: All

Rating: Implemented

Response Required: No

AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS – STUDENT DISCIPLINE AND BEHAVIOR SUPPORT

CRITERION NUMBER	
	Legal Standard
9.1 Policies and Procedure for Behavior Support 18.03(7)(b)(2) 18.05(5); 28.09(11); 46.00	<p>The program develops and implements a written behavior support policies and procedures consistent with new regulations under 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.</p> <p>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:</p> <ol style="list-style-type: none">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

CRITERION NUMBER	
	Legal Standard
	<p>support reporting requirements;</p> <p>8. A description of the program’s procedure for making both oral and written notification to the parent; and</p> <p>9. A procedure for the use of time-out.</p> <p>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.</p> <p>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.</p> <p>OR</p> <p>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.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
<p>9.1(a) Student Separation Resulting from Behavior Support</p> <p>18.05(6)(i)</p> <p>46.04(1)(j)</p>	<p>If the program’s behavior support policy and procedures result in a student separating from the group or program activities, it shall include:</p> <ol style="list-style-type: none"> 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 principal 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.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
<p>9.4 Physical Restraint</p>	<p>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.</p>

CRITERION NUMBER	
	Legal Standard
18.05(5); 46.00	<p>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.</p> <p>Physical restraint policies and procedures must include the following:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>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.</p> <p>OR</p> <p>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.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
9.7 Terminations 18.05(7); 28.09(12)(b)	<p>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:</p> <ul style="list-style-type: none"> • <u>Planned Terminations:</u> The program shall notify the public school district of the need for an IEP review meeting and provides 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. • <u>Emergency Terminations:</u> 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 the Department of Elementary and Secondary Education. <p>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 special education school 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.</p>

Applies To: All

Rating: Implemented

Response Required: No

AREA 10: EDUCATIONAL STAFFING REQUIREMENTS - RATIOS

CRITERION NUMBER	
	Legal Standard
10.1 Staffing for	The program shall have instructional groupings that do not exceed 1) the approved ESE Student: Licensed Educator Ratio and 2) the approved ESE Student: Licensed

CRITERION NUMBER	
	Legal Standard
Instructional Groupings 28.06(6)(d); 28 09(7)(e)	<p>Educator and Aide Ratio.</p> <p>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.</p> <p>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.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
10.2 Age Range 28.06(6)(f, g)	<p>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).</p> <p>Prior to exceeding the forty-eight month timeframe, an Alternative Compliance Waiver (http://www.doe.mass.edu/pqa/sa_nr) must be requested and approved by the Department.</p>

Applies To: All

Rating: Implemented

Response Required: No

AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES
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CRITERION NUMBER	
	Legal Standard
11.1 Personnel Policies and Procedures Manual	<p>The program shall develop and implement a written personnel policies and procedures manual that describes:</p> <ul style="list-style-type: none"> Criteria and procedures for hiring. This should include the school's Criminal Offender Record Information (CORI) policy regarding CORI checks on employees, volunteers, interns and transportation providers whose

CRITERION NUMBER	
	Legal Standard
18.05(11); 18.05(11)(c) (1); 28.09(7); 28.09(11)(a); M.G.L. c. 71, § 38R; 42 U.S. Code § 16962; ESE Advisory on CORI revised 5/7/07; 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011	responsibilities bring them into direct and unmonitored contact with students (upon initial hire and every three years thereafter). [NOTE: A residential program licensed by EEC does not need to conduct independent CORI checks where those checks have been done through EEC]; <ul style="list-style-type: none"> • Procedures for Criminal History Record Information (CHRI); • Procedures for evaluation of staff; and • A statement of equal employment/educational opportunities in regard to race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
11.2 Administrative Responsibility 18.05(11)(a, b)	The program shall designate one person who will have administrative responsibility over the operation of the program. The administrator or designee shall at all times be on the premises of the school during school hours while the program is in operation. All staff on duty shall know who is responsible for administration of the program at any given time.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
11.3 Educational	At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned to supervise the provision of special

CRITERION NUMBER	
	Legal Standard
Administrator Qualifications 28.09(5)(a); 28.09(7)(a); 603CMR44.00	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: <ul style="list-style-type: none"> • License as a special educator; • A minimum of a master's degree in special education or a related field; and • A minimum of one year of administrative experience.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
11.4 Teachers (Special Education Teachers and General Education Teachers) 18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321	The program must ensure that all teaching staff have teaching licenses 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: <ul style="list-style-type: none"> • To the extent that unlicensed staff is providing special education services, such services shall be designed or supervised by a special educator; and • To the extent that general education teachers are providing special education services, they shall do so in coordination with the special education teacher. The number of special education teachers and the number of general education teachers must correspond with the most recently approved ESE Staffing Plan.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
11.5 Related Services Staff 28.09(7)(d)	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.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
11.6 Master Staff Roster 28.09(7)	<p>The program maintains a master list of ALL staff for every position within the program. The staff positions shall correspond to the most recent approved ESE Staffing plan. This list must include job titles along with their corresponding Uniform Financial Report (UFR) titles, UFR numbers and full-time equivalents (FTE's). This list may include, but is not limited to:</p> <ul style="list-style-type: none">• Administrators• Special education teachers• General education teachers• Related service providers• Registered Nurses• Direct care workers• Direct care supervisors• Clerical and maintenance staff• Psychologists• Social workers• Program support• Consultants <p>In addition, identify any other positions not included in the most recently approved ESE Staffing Plan (ex. 1:1 paid for by school district or additional positions funded by the agency).</p> <p>Any changes/discrepancies from the last most recently approved ESE Staffing plan (through Initial Application, Extraordinary Relief, Special Circumstances, Program Reconstruction) must be documented on the Master Staff Roster.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
11.12 Equal Access Mass. Const.	<p>The program provides all students with equal access to services, facilities, activities and benefits regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.</p>

CRITERION NUMBER	
	Legal Standard
amend. Art. 114; M.G.L. c. 76, § 5; 603 CMR 26.00 as amended by chapter 199 of the Acts of 2011; Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106; Section 504: 29 U.S.C. 794; 34 CFR 104; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, § 721	

Applies To: All

Rating: Implemented

Response Required: No

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS - STAFF TRAINING
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CRITERION NUMBER	
	Legal Standard
12.1 New Staff Orientation and Training	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 includes an orientation and training program which includes the following: <ul style="list-style-type: none"> • Program’s philosophy • Organization

CRITERION NUMBER	
	Legal Standard
18.05(11)(g, i); 28.09(7)(f)	<ul style="list-style-type: none"> • Program • Practices • Goals • ESE required topics (12.2 a-f) • Provisions for orientation of interns or volunteers must be made, if applicable. If not applicable, please indicate so. <p>NOTE: New staff may 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.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
12.2 In-Service Training Plan and Calendar 18.03(3); 18.03(10); 18.05(9)(e)(1); 18.05(9)(f)(3)(c); 18.05(9)(f)(9)(d); 18.05(9)(i); 18.05(10); 18.05(11)(h); 28.09(7)(f); 28.09(9)(b); 28.09(10); Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C.	<p>All staff, including new employees, must participate in annual in-service training on average at least two hours per month. Provisions for annual in-service training of interns and volunteers must be made, if applicable. If not applicable, please indicate so.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all staff</u>:</p> <ol style="list-style-type: none"> a. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission; b. Student discipline and behavior support procedures; c. Program’s use of physical restraints; d. Runaway policy; e. Emergency procedures including, but not limited to, evacuation drills, emergency drills, utilization of the alarm system and evacuations in instances of fire or natural disaster; f. Civil rights responsibilities (discrimination and harassment) regarding race, color, sex, gender identity, religion, national origin, sexual orientation, disability and homelessness; g. Bullying prevention and intervention; h. Medication administration, if applicable; i. Discussion of medications students are currently taking and their possible side effects; j. Transportation safety (for staff with transportation-related job responsibilities);

CRITERION NUMBER	
	Legal Standard
1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31- 106.42; M.G.L. c. 76, § 5; 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011; M.G.L. c. 71, §§ 37O (e)(2)	<p>and</p> <p>k. Student record policies and confidentiality issues.</p> <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to all teaching staff:</p> <ul style="list-style-type: none"> • How the learning standards of the Common Core Standards are incorporated into the program's instruction; and • Procedures for inclusion of all students in Massachusetts Comprehensive Assessment System (MCAS) and/or Partnership for Assessment of Readiness for College Careers (PARCC) testing and/or alternate assessments.

Applies To: All

Rating: Implemented

Response Required: No

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS
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CRITERION NUMBER	
	Legal Standard
13.2 Description of Physical Facility 18.04; 28.09(8)	<p><u>Classroom Space:</u> 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.</p> <p><u>Other facilities used by students:</u></p> <ul style="list-style-type: none"> • All areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards; and • Approved special education schools shall provide the facilities, textbooks, equipment, technology, materials, and supplies needed to provide the special education and related services specified on the IEPs of enrolled students.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
13.4 Physical Facility/ Architectural Barriers 18.04(8); Mass/ Const. amend. Art. 114; Section 504: 29 U.S.C. 794; 34 CFR 104.21,104.22 ; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150	The program shall assure 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 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.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
13.7 Library/ Resources 18.04(6)(b)	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.

Applies To: All

Rating: Implemented

Response Required: No

AREA 15: PARENT AND STUDENT INVOLVEMENT

CRITERION NUMBER	
	Legal Standard
15.1 Parental Involvement and Parents' Advisory Group 18.05(4)(a)	<p>The program shall have a written plan for involving parents and shall have a Parents' Advisory Group that shall advise the program on matters that pertain to the education, health and safety of the students in the program.</p> <p>The program shall designate a staff person to support the Parents' Advisory Group.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
15.3 Information to be Translated into Languages Other Than English 46.06(3) M.G.L. c. 76, § 5; 603 CMR 26.02(2); Title VI; EEOA: 20 U.S.C. 1703(f)	<p>When students have parents or guardians with limited English language skills, the program ensures that important school 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.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
15.5 Parent Consent and Required Notification 18.05(8); 18.05(9)(f)(1); 18.05 (9)(j); M.G.L. c. 71, § 32A	The program shall develop and implement policy and procedures to work with school districts to obtain the following consents: <u>Annual:</u> <ul style="list-style-type: none"> • Emergency medical treatment • Medication Administration (when applicable) <u>When applicable:</u> <ul style="list-style-type: none"> • Notification to parents/guardians pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
15.8 Registering Complaints and Grievances – Parents, Students and Employees 18.05(1)(b) (16); 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011; Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C.	<ul style="list-style-type: none"> • The private special education 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 school that includes specific timelines and the appeals process. • The private special education program must also adopt and publish grievance procedures for students providing 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 includes specific timelines and the appeals process. • The private special education program must also adopt and publish grievance procedures for employees providing 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 includes specific timelines and the appeals process.

CRITERION NUMBER	
	Legal Standard
12132; 28 CFR 35.107	

Applies To: All

Rating: Implemented

Response Required: No

AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER	
	Legal Standard
16.2 Physician Consultation 18.05(9)(a) M.G.L c. 71, §§ 53, 53A, and 53B	The program shall have a licensed 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, in the case of a private program, by the Board of Trustees.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
16.3 Nursing 18.05(9)(b) M.G.L c. 112 M.G.L. c. 71, §§ 53, 53A, and 53B	The program shall have a Registered Nurse available depending upon the health care needs of the program's population.

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
16.7 Preventive Health Care 18.05(9)(g)(1, 3-6); 105 CMR 200.100(B)(1); 105 CMR 200.400(B); 105 CMR 200.400(C); G.L. c. 71, § 57; and G.L. c. 111, § 111	<p>The program shall describe in writing a plan for the preventive health care of students:</p> <ul style="list-style-type: none"> • 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. • 105 CMR 200.100(B)(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 within 30 days after program entry) and every 3-4 years afterwards. 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. • The program shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students. Toxic substances must be labeled with contents and antidote. Medications and medical supplies should not be locked in the same cabinet as other toxic substances. <p>NOTE: A newly enrolled student must have a documented physical within one year prior to their entrance to the program or the program must coordinate with the parents/guardians for the student to obtain a physical examination within 30 days of admission.</p>

Applies To: All

Rating: Implemented

Response Required: No

CRITERION NUMBER	
	Legal Standard
16.11 Student Allergies 18.05(9)(h)	<p>The program shall develop and implement written policy and procedures for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.</p>

Applies To: All

Rating: Implemented

Response Required: No

AREA 18: STUDENT RECORDS

CRITERION NUMBER	Legal Standard
18.1 Confidentiality of Student Records 23.07(1); 28.09(5)(a); 28.09(10); M.G.L. c. 71, § 34H	<p>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 of 603 CMR 23.00 and M.G.L. c. 71, § 34H.</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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.

Applies To: All

Rating: Implemented

Response Required: No

AREA 19: ANTI-HAZING

CRITERION NUMBER	Legal Standard
19 Anti-Hazing M.G.L. c. 269, §§ 17 through 19	<ul style="list-style-type: none"> • 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, and a copy of the school program's anti-hazing disciplinary policy approved by the program's Board of Director's. • Each school program serving secondary school age students files, at least annually, a report with the Department certifying: <ol style="list-style-type: none"> a) 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; b) Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and c) That the hazing policy has been included in the student handbook or other

CRITERION NUMBER	
	Legal Standard
	means of communicating school program policies to students.

Applies To: All

Rating: Implemented

Response Required: No

AREA 20: BULLYING PREVENTION AND INTERVENTION
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CRITERION NUMBER	
	Legal Standard
20 Bullying Prevention and Intervention M.G.L. c. 71, s. 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L. c. 71, s. 37O(d), (e)(1) (2). (IDEA-97)	<ul style="list-style-type: none"> • Employee handbooks/policies and procedures must contain relevant sections of the amended Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students by a school staff member. • Each year all approved private special education school programs must give parents and guardians annual written notice of the student-related sections of the Plan. • Each year all approved private special education school programs must provide all staff with annual written notice of the Plan. • All approved private special education school programs must implement, for all school 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 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.

Applies To: All

Rating: Implemented

Response Required: No

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