



Judge Rotenberg Educational Center

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

Dates of Onsite Visit: January 23-27, 2006

Follow-up Visits: August 2, 10, and 24, 2006

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Department of Education Onsite Team Members:

Kevin Bobetich, Chairperson

Suzanne Conrad

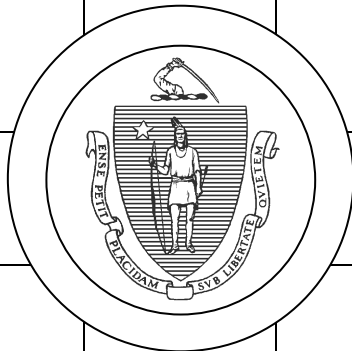
Caryn N. Goldberg

Elizabeth Muller

Follow-up Visits Conducted by:

Caryn N. Goldberg

Daniel Mosco



David P. Driscoll, Commissioner of Education

**MASSACHUSETTS DEPARTMENT OF EDUCATION
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW
Judge Rotenberg Educational Center
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MASSACHUSETTS DEPARTMENT OF EDUCATION
APPROVED PRIVATE SCHOOL PROGRAM REVIEW REPORT

OVERVIEW OF REVIEW PROCEDURES

INTRODUCTION

The Massachusetts Department of Education is required under MGL 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 Education Regulations 603 CMR 28.00 and 18.00. Each private school submits an application for approval by the Department of Education and periodically updates information included in the application on how special education services are provided. Each year, the Department's Program Quality Assurance Services unit conducts onsite visits to selected approved private schools to verify the implementation of their applications. The selected schools are encouraged to assess themselves 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 follow-up monitoring schedule is posted on the Department's web site at <http://www.doe.mass.edu/pqa/review/psr/6yrcycle.html>.

Private School Program Review Elements

Team: Depending upon the size of a private school and the number of programs to be reviewed, a team of two to five Department staff members conducts a Program Review over two to five days in the private school. In some instances, other Massachusetts human service agency staff and a representative of the local school district may participate on the visiting team.

Scope: All approved private schools in the Commonwealth are monitored through the Department's Private School Program Review system on a six-year cycle with an additional mid-cycle follow-up visit. This six-year monitoring and follow-up cycle is coordinated with the Department's Approved Private School Application Renewal procedures.

Content: The Program Review criteria encompass key elements drawn from 603 CMR 18.00 and 28.00 and the private school's application for approval. The elements selected for the 2005-2006 reviews 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. Selected Program Review compliance criteria are aligned with the requirements and goals of the Massachusetts Education Reform Act of 1993, being intended to promote high standards and achievement for all students.

Report: The Department's Program Review Report is based on a review of documentation regarding the operation of the school's programs, together with information gathered through the following Department program review methods:

- Interviews of administrative, clinical, instructional and support staff across all grade levels.
- Interviews of Parent Group representatives.
- Other interviews as requested by personnel from state and local agencies and members of the general public.
- Review of student records: A sample of student records is selected for detailed review by the Department of Education. Student records are examined first by the school's staff and then verified by the onsite team using standard Department student record review procedures in order to make determinations regarding the implementation of procedural and programmatic requirements. Parents of students whose files were selected for the record review are provided an opportunity to be interviewed by telephone.
- Observation of classrooms and other facilities: Instructional classrooms and school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program requirements.

Response: A detailed report of findings describes determinations about the implementation status of each requirement (criterion) reviewed. Included in the findings are commendations for those criteria that have been implemented in an exceptional manner. Where criteria are identified as not fully implemented, the private school must propose corrective action to bring those areas into compliance with the controlling statutes or regulations. **Under new federal *Special Education State Performance Plan* requirements pursuant to IDEA-2004, public and private schools 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.**

Private schools are encouraged to incorporate the corrective action into their program improvement planning, as well as their professional and paraprofessional staff development plans.

REPORT INTRODUCTION

The Department of Education has the authority to approve private school programs for the purpose of providing special education to publicly funded school age students with disabilities. Under this authority, the Department reviews the program's educational components as well as its compliance with general health and safety standards. Judge Rotenberg Education Center ("the program" or "JRC") operates a program for students with significant disabilities in which it utilizes a behavioral modification program of rewards (positive reinforcers) and punishments (aversives). The aversives used by JRC include restraint, electric skin shock ("GED"), and the delaying or withholding of food in order to decelerate problematic behaviors. Although JRC is licensed by two state agencies, the Department of Early Education and Care (EEC) and the Department of Mental Retardation (DMR), it is under DMR's authority that JRC's use of aversives is regulated. In addition to DMR's regulation of JRC in this regard, JRC's use of aversives with an individual student must be authorized by the probate court under a "substituted judgment proceeding." This means that for each student for whom JRC wishes to use aversives, it must submit to the probate court a behavioral plan that the court must approve and annually review. In addition, the court appoints an attorney to represent the student's interests in the court proceeding and the student's attorney may request an independent clinical review of the behavioral plan submitted by JRC regarding the student.

As JRC's use of aversives is monitored under DMR regulations (115 CMR 5.14), this report does not include a review of JRC's practices in this regard. The Department's approval of JRC's educational program, however, is conditioned on JRC's maintenance of its licensure status with EEC and DMR.

A four-member Massachusetts Department of Education team visited Judge Rotenberg Educational Center ("the program") during the week of January 23, 2006 to evaluate the implementation of selected compliance criteria under the Massachusetts Board of 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), MGL c. 71B ("Chapter 766") and the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.*, as amended in 2004 (IDEA-2004). The New York State Education Department (NYSED) independently conducted onsite reviews of the program during April and May 2006 which included document and student record reviews and interviews of school staff, students and parents. At the time of the NYSED review, there were approximately 148 New York students enrolled in the program, and 26 Massachusetts students whose placements were the programmatic and financial responsibility of 20 Massachusetts school districts. In response to concerns raised in the NYSED report, in July of 2006, the Department requested that the 20 Massachusetts school districts with students placed in the program describe their own monitoring activities for the program as required under 603 CMR 28.06(3)(b). The Department reviewed the monitoring reports filed by each district and commenced follow-up unannounced visits to the program on August 2, 10 and 24, 2006.

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

- Interviews of 12 administrative staff.
- Interviews of three clinical staff.

- Interviews of 17 teaching and educational support services staff.
- Interviews of nine childcare staff.
- Interview of one parent of a Massachusetts student enrolled in the school.
- Interviews of three representatives of state and local agencies responsible for placement of students in the school.
- Student record review: A sample of 20 Massachusetts student records was selected by the Department. Student records were first examined by the school's staff and then verified by the onsite team using standard Department of Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Observation of classrooms and other facilities: All instructional classrooms and 15 residences in the delivery of programs and services were visited to determine general levels of compliance with program requirements.

The report includes findings organized under the 18 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 the 18 areas. The ratings indicate those criteria that were found by the team to be substantially "Implemented" or implemented in a "Commendable" manner. (Refer to the "Definition of Terms" section of the report.) Where criteria were found to be either "Partially Implemented" or "Not Implemented," the private school must propose 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's implementation methods that may require response from the private school.

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

Judge Rotenberg Educational Center

**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: Required Information, Notifications And Postings			
Area 2: Administration -- Legal And Financial Documentation			
Area 3: Administration -- Manuals And Handbooks			
Area 4: Disclosure Of Information	4.2		
Area 5: Admissions Procedures And Coordination/Collaboration With School Districts	5.2		
Area 6: Educational Program Requirements -- Student Learning Time			
Area 7: Educational Program Requirements -- Curriculum Frameworks And State Assessments	7.1, 7.2		
Area 8: Educational Program Requirements -- Individualized Education Programs	8.5, 8.11	8.4	8.7
Area 9: Educational Program Requirements -- Student Discipline And Behavior Management	9.6		9.4
Area 10: Educational Staffing Requirements -- Student:Teacher And Student:Child-Care Worker Ratios	10.2		10.1, 10.4

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 11: Educational Staffing Requirements -- Personnel Policies, Qualifications, Responsibilities			11.12
Area 12: Educational Staffing Requirements -- Staff Training	12.1, 12.2, 12.2(d)		
Area 13: Physical Facility And Equipment Requirements			
Area 14: Requirements For Daily Care			13.1 – 13.9
Area 15: Parent And Student Involvement			
Area 16: Health And Medical Services			
Area 17: Transportation Safety			
Area 18: Student Records	18.2		

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.

DEFINITION OF TERMS
FOR THE RATING OF EACH COMPLIANCE CRITERION

Commendable	The criterion is implemented in an exemplary manner significantly beyond the requirements.
Implemented	The requirement or criterion is substantially met.
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 or was not monitored during the review.

AREA 1: REQUIRED INFORMATION, NOTIFICATIONS AND POSTINGS

CRITERION NUMBER	
	Legal Standard
1.2 Program & Student Description Program Capacity 28.09(2)(b)(2,3,7)	A narrative is provided that describes the program's: <ol style="list-style-type: none"> a. Operational capacity b. Identified population of students to be served, including the current and/or projected enrollment maximum enrollment, ages of students and their educational and behavioral characteristics c. Philosophy, goals and objectives d. Mechanisms for delivery of services
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Comment: *At the commencement of the program review in January of 2006, the school's operational capacity for students was 207. The Department of Early Education and Care(EEC) has provisionally licensed 25 residences. There are 10 other residences that house school-aged children with disabilities and which remain licensed by the Department of Mental Retardation.*

AREA 2: ADMINISTRATION -- LEGAL AND FINANCIAL DOCUMENTATION

CRITERION NUMBER	
	Legal Standard
2.1 Legal Status 28.09(2)(b)4	The program provides a description of its legal status including names of individuals and principal parties with ownership, oversight, and key administrative responsibilities. The program maintains complete documentation on ownership, governance, management, mission, and mechanisms for service delivery.
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings: *The Judge Rotenberg Center has provisional licenses for 25 residences through the Department of Early Education and Care. The school must notify the Department of Education of any changes to its approval or license status from any state agencies.*

CRITERION NUMBER	
	Legal Standard
2.4 Financial Solvency 28.09(2)(b)4	The private school program maintains good standing with state and federal tax authorities and provides notification of any outstanding tax liabilities.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
2.5 Financial Management 28.09(2)(b)4	The private school program maintains accurate records of receipts and expenditures, consistent with the regulations of the Massachusetts Operational Services Division, together with a Program Budget and a list of the proposed tuition rates for all publicly and privately funded students attending the school, including students from outside Massachusetts [808 CMR 1.00].
	Rating: Implemented RESPONSE REQUIRED: No

AREA 3: ADMINISTRATION -- MANUALS AND HANDBOOKS

CRITERION NUMBER	
	Legal Standard
3.1 Policies & Procedures Manual	All approved public and private special education schools shall maintain onsite a policies and procedures manual and shall provide written notice to parents of enrolled students that copies of such policies and procedures are available upon request.

CRITERION NUMBER	
	Legal Standard
28.09(11)(b)	
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
3.1(a) Contents	<p>The program’s manual must contain policies and procedures in all subject areas listed in the appendix at the back of this application.</p> <p>These policies and procedures include, but are not limited to:</p> <ul style="list-style-type: none"> a. Advanced notice of proposed program/facility change b. Student admissions c. Child abuse/neglect d. Discipline policies and procedures e. Suspension and termination f. Student discipline and behavior management g. Physical restraint h. Student runaway i. Notification of serious incidents (Form 2) j. Coordination and collaboration with school districts k. IEP- revisions and changes l. IEP- transition planning m. IEP- transition services n. State and district-wide assessments o. Progress reports p. Least restrictive placements q. Evacuation and emergency procedures r. Parent involvement s. Orientation for new parents and students t. Change of student’s legal status u. Obtaining parental consent v. Student involvement w. Registering complaints- parents and students x. Student protections y. Supervision of students z. Student records aa. New staff orientation and annual in-service training bb. Student transportation and transportation safety cc. Research, experimentation, fund raising, publicity, and observation <p>Appendix with all signed and dated Assurances sent to the Department in connection with this application.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
34 CFR 300.300-.577 and Appendix A	
	Rating: Implemented RESPONSE REQUIRED: No

AREA 4: DISCLOSURE OF INFORMATION
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CRITERION NUMBER	
	Legal Standard
4.1 Aspects of program, staff credentials and student records 28.09 (5)(a)	The private special education school shall make available to the Department information on all aspects of the school’s program(s), the license and/or credentials of its staff and the individual records of enrolled Massachusetts students. (See also Criteria 11.4 and 11.5.)
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
4.2 Public information and Postings	The private special education school maintains on site and makes available for public review by posting in public locations the following: a. Documentation of the current approval or intake status issued by the Department of Education and/or licensing status issued by the Department of Early Care and Education (must be posted in a public

CRITERION NUMBER	
	Legal Standard
28.09(6)(a,b,c,d,e), 28.09(2)(b)(4)	<p>location)</p> <p>b. First aid, medical and emergency procedures, location of nearest telephones within each building, and emergency telephone numbers (must be posted in each building)</p> <p>c. Evacuation routes and procedures (must be posted in each room)</p> <p>d. <u>For public programs</u>: a notice that use of tobacco products is not permitted on school property or at any school related function (must be posted in a public location)</p> <p>e. <u>For private programs</u>: a notice that use of tobacco products is not permitted in school buildings (must be posted in a public location)</p> <p>f. Program information including a statement of purpose, general description of educational program and an organizational chart</p> <p>In addition to the above, <u>private special education schools must maintain the following information</u> for public review:</p> <p>a. Current tuition rate for students</p> <p>b. Evidence of authority to operate the private school including Documents that identify ownership and, as applicable, partnership agreements, the names of officers, boards, charters, articles of organization and by-laws</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *The evacuation routes and procedures are not clearly posted in main areas in the school buildings.*

CRITERION NUMBER	
	Legal Standard
4.3 Publicly Available Information 28.09(5)(a,b), (6) 18.04(1)(a)(b) 102 CMR 3.06(4)(b)	<p>The private special education school maintains the following in a place available for public and employee review:</p> <ul style="list-style-type: none"> • Valid safety inspections of all buildings by the Department of Public Safety or the local building inspector • Health inspections • Fire safety inspection from the local fire department • Asbestos inspection • PCB inspection • A report demonstrating compliance with childhood lead poisoning prevention and control law and regulations, if applicable • School’s policy and procedure manual

CRITERION NUMBER	
	Legal Standard
	<p>which the student presents a clear and present threat to the health and safety of him/herself or others</p> <ul style="list-style-type: none"> o A written termination summary explaining the reasons for the emergency termination must be sent to the parent(s), the student (if over 14 years of age), the local Administrator of Special Education, officials of the appropriate Human Service Agency and the Department of Education. h. Filing of a 51-A report with DSS, or a complaint to the Disabled Persons Protection Commission against the school or a school staff member for abuse or neglect of a student i. Any action taken by a federal, state or local agency that might jeopardize the school's approval with the Department or any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students regardless of state of residency
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

AREA 5: ADMISSIONS PROCEDURES AND COORDINATION/COLLABORATION WITH SCHOOL DISTRICTS

CRITERION NUMBER	
	Legal Standard
<p>5.1 Student Admissions 28.09(11) 18.05(1) and (2)</p>	<p>The private special education program may not enroll eligible students under the provisions of 603 CMR 28.00 unless approved to do so by the Department.</p> <p>The program develops and implements written admissions criteria, policies and procedures that include the following:</p> <ul style="list-style-type: none"> a. A written statement describing how copies of the school's policies and procedures are provided to the student (if applicable), parents and the placing school district prior to admission of the student. b. A statement that admissions policies and procedures are to be made available to parents and students at any time upon request c. Documentation from a licensed physician of a complete physical examination of the student not more than twelve (12) months before admission <ul style="list-style-type: none"> o In the event of emergency placements, the school shall make provisions for a complete examination of the student within thirty (30) days of admission. d. A narrative description of the student admission interview process

CRITERION NUMBER	
	Legal Standard
	e. Consent forms (See criterion 15.5)
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
5.2 Policies and Procedures for Coordination /Collaboration with Public School Districts& Contents for Coordination /Collaboration with Public School Districts 28.06(2-3) 28.09(9)(c) &(d) 28.09(2)(b)7 Federal Regulations: 300.349 and 300.400-.401 28.06(2-3) 28.07(5) 28.09(9)(c) &(d) 28.09(2)(b)7	<p>The private special education program works collaboratively with the placing public school district to ensure that, to the maximum extent appropriate, children with disabilities are educated with children who do not have disabilities, are provided access to the general education program and are given opportunities to return to a less restrictive educational program.</p> <p>A private school shall have policies and procedures that describe roles and responsibilities of the program and its staff as well as general communication and collaboration procedures that address the following:</p> <ol style="list-style-type: none"> a. Consideration of possible placement and admissions process; b. IEP development and implementation and roles in 3-year eligibility re-determinations; c. Contents of and general arrangements for executing contracts with placing school districts; d. Participation of the private or public school program as well as school district representatives at the Team and other key meetings, including reviewing/revising the IEP; e. Written progress reports; f. Documentation regarding student-related developments, including matters involving students’ behavioral plans, functional behavioral assessments, manifestation determinations, imposition of discipline, etc. g. Administration of tests; h. Preparations for students returning to a public school or other less restrictive setting; i. Preparations for students approaching or reaching ages 14, 16 and 18, later education, and adult life, consistent with IDEA “transition” requirements and state age-of-majority law; j. School district monitoring of student progress; k. Granting of high school diplomas consistent with Department of Education requirements; and l. Conditions for issuance of certificates of attendance or program completion by a private school or educational collaborative.
Federal	NOTE: Please review federal regulations 300.349 and 300.400-401 before preparing

CRITERION NUMBER	
	Legal Standard
Regulations: 300.349 and 300.400-401	this policy/procedure. Public school districts have the lead responsibility for convening the Team that makes the initial and subsequent (every 3 years) eligibility determinations, develops the IEP, and decides upon an appropriate placement. Private and educational collaborative programs, however, play a major role in determining whether a proposed placement in the program will meet a student's needs. Private and educational collaborative programs have the responsibility of delivering services on the IEP, assessing and communicating progress, and planning for the student's return to a less restrictive environment and/or for adult life.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *The school does not have a complete written policy and procedure for coordination/collaboration with school districts. The following items are missing or incomplete:*

(b) The school has not described its role in 3-year evaluation, and unsigned IEPs are being utilized for students.

(c) There is not a clear policy for obtaining and executing contracts with districts. Two of the contracts submitted by JRC had expired and were not updated. Additionally, the contracts reviewed did not include all required elements.

(d) The school does not have a written policy indicating that it must obtain consent before revising/changing an IEP.

(e) The school's policy for progress reports must include that progress reports will be sent as often as for non-disabled peers. The school's policy does not include a description of the requirements for progress reports to document the student's progress toward the annual goal, and if the student's progress is sufficient to enable the student to achieve the annual goal by the end of the IEP period.

(g) The school does not have a written policy for consent for administration of tests outside of the evaluation process.

(i) The school's transition plans do not describe fully the preparations for students transitioning to adulthood, including procedures for vocational activities.

(j) There is no policy for school district monitoring of student progress.

(k) and (l) The policy for granting high school diplomas is not consistent with Department requirements. The policy as written does not address the conditions for the student to receive a certificate of attendance, or who will issue the diploma if the student attains the graduation requirements.

CRITERION NUMBER	
	Legal Standard

CRITERION NUMBER	
	Legal Standard
5.4 Training 18.05(11)(g)(h)	All staff with school district contact responsibility are trained regarding their particular roles and responsibilities.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
5.5 Staff Coordinator 28.09(7)	A senior person(s) is designated to communicate and work effectively with all public school districts that have placed students in the program.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT LEARNING TIME

CRITERION NUMBER	
	Legal Standard
6.1 Daily Instructional Hours 603 CMR 27.00	<p>Unless otherwise approved by the Department of Education, the private special education program provides an average annual minimum of the following instructional hours:</p> <ul style="list-style-type: none"> • Elementary: 5 hours per school day (except for kindergarten) • Secondary: 5 ½ hours per school day <p>The private special education program ensures that, unless a student’s IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the 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>

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
6.1(a) Physical Education Requirements MGL Chapter 71, Section 3	<p>The private special education program shall develop a curriculum to teach physical education as a required subject at all grade levels for all students for the purpose of promoting the physical well being of students.</p> <p>Both physical education and health education classes are to be considered part of the student's structured learning time.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
6.2 School-to-Work 603 CMR 27.02, 27.04	<p>Where the private special education program counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
6.3 Kindergarten 603 CMR 27.03(5)	Where the private special education program sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If two sessions of kindergarten per day are scheduled, it ensures equal instructional time for all kindergarten students.
	Rating: Not Applicable RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
6.4 School Days per Year 28.09(9)	The private special education program is conducted for the following days (exclusive of weekends, holidays, vacations): <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 private special education program sets a school year schedule for each program. This schedule must include at least five additional school days to account for unforeseen circumstances (e.g., snowstorms).</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
6.5 Early Release of High School Seniors 603 CMR 27.05	When a private special education program schedules the early release at the end of the year of the senior class of a high school, it does so in accordance with a written policy that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors’ school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.
	Rating: Not Applicable RESPONSE REQUIRED: No

**AREA 7: EDUCATIONAL PROGRAM REQUIREMENTS -- CURRICULUM
FRAMEWORKS AND STATE ASSESSMENTS**

CRITERION NUMBER	
	Legal Standard
7.1 Curriculum Frameworks 28.09(9)(b)	<p>The program’s personnel shall reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum.</p> <p>The program has taken steps to provide all students with essential learning opportunities that prepare the students to reach the state graduation standards.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings: *Observations, documentation review, and interviews revealed that the school does not consistently provide essential learning opportunities to prepare Massachusetts students to reach the state graduation standards. While many students work on computer programs most of the school day under the supervision of professional staff, the school has not provided sufficient written documentation describing how the computer software programs fit into the school’s curriculum. While computer technicians use educational data and teacher feedback to continually adjust individual student’s programs, it is not clear if these programs prepare students to reach the state graduation standards. Initial observations in January 2006 revealed that some lower level students were just tapping the touch screen computer until a correct answer was obtained. It appeared that the students did not understand why they obtained a correct answer and it was unclear how this activity enabled these students to access the general curriculum. Feedback was provided to the school at that time.*

Follow-up investigation and site visits in August 2006 indicated that Judge Rotenberg Center has begun to provide students with increasing opportunities to learn by using more varied teaching methodologies, such as group lessons and community outings. Interviews indicated that staff meetings have begun to occur during which time curriculum issues are discussed and teachers have an opportunity to brainstorm ways in which to effectively teach lessons to students. Teachers reported an overall receptivity from administrators to vary how curriculum is presented to students. Additionally, teachers reported the positive educational impact that community outings and group lessons have had on student learning.

While JRC did submit a sampling of lesson plans for Massachusetts students that correlated the lessons to specific standards within the Massachusetts Curriculum Frameworks, there is no explanation or narrative that describes how the computer programs enable students to access the general curriculum in varied ways. Additionally, the school did not provide any comment or statement that it would continue to provide students with varied teaching methodologies.

CRITERION NUMBER	
	Legal Standard
7.2 Staff Training 28.09 (9)(b)	The program shall ensure that all staff including non-professional staff have an understanding and knowledge of the general curriculum expectations and learning standards of the Massachusetts Curriculum Frameworks and shall incorporate such knowledge into the school's educational program.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *Interviews revealed that despite the initial training, newly hired Mental Health Counselors do not consistently have an understanding and knowledge of the general curriculum expectations and learning standards of the Massachusetts Curriculum Frameworks.*

CRITERION NUMBER	
	Legal Standard
7.3 State/District Wide Assessments 28.09(9)(d)	The program has a written procedure outlining how the school will ensure that <u>all</u> Massachusetts enrolled students participate in state and/or district wide assessments in accordance with the assessment participation information provided on the student's IEP. Such procedures shall include how the approved program will provide for MCAS testing accommodations and/or administration of alternate assessments as determined by each student's Team.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 8: EDUCATIONAL PROGRAM REQUIREMENTS -- INDIVIDUALIZED EDUCATION PROGRAMS

CRITERION NUMBER	
	Legal Standard
8.1 Implementation- Educational Services 28.04 and	The program specifies how each of the following educational services are implemented for the described student population of the school: <ul style="list-style-type: none"> a. The content requirements of the Massachusetts Curriculum Frameworks b. Self-help, daily living skills

CRITERION NUMBER	
	Legal Standard
8.3 Implementation- Supplementary Aids/Services 34 CFR 300.28	<p>Supplementary aids and services are defined as “those aids and services – which are not ‘specially designed instruction or related services’ – which enable eligible students to be educated to the maximum extent possible with non-disabled students.”</p> <p>The program provides examples (through a list or narrative) of the kinds of supplementary aids and services that are available for students in the program. These may include aids and services that would typically be available in a less restrictive setting, and their availability would be helpful when the student is able to be placed in a less restrictive placement (e.g. adapted text, enlarged print, graph paper, peer tutor, etc.).</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.4 Program Modifications and Support Services for Limited English Proficient Students TITLE VI: 42 U.S.C. 2000D; 34 CFR 100.3(A),(B); EEOA: 20 U.S.C. 1703(F); M.G.L. C. 71, S. 38Q1/2; 603 CMR 28.03(3)(A); M.G.L. C. 71A, SS. 2(E), 4; 603 CMR	<p>The private special education program implements necessary program modifications and support services to serve effectively limited English proficient (LEP) students who need special language assistance. Such program modifications and support services:</p> <ul style="list-style-type: none"> a. Are based on sound education theory; b. Provide for English-language development; c. Provide for meaningful participation of LEP students in the school’s educational program; d. Are evaluated and appropriately revised in an ongoing manner; and e. Are demonstrably useful in assisting students receiving such program modifications and services to gain English language proficiency.

CRITERION NUMBER	
	Legal Standard
14.04; M.G.L. C. 76, S. 5; 603 CMR 26.03	
	Rating: Not Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *The school does not have a policy and procedure for providing program modifications and support services to serve limited English proficient (LEP) students effectively.*

CRITERION NUMBER	
	Legal Standard
8.5 Current IEP & Student Roster 28.09	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 by the student’s parent(s), legal guardian (or student, when applicable).
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *Documentation review and interviews indicated that IEPs that have not yet been signed by parents are being implemented for newly-enrolled Massachusetts students.*

CRITERION NUMBER	
	Legal Standard
8.6 Educational Case Manager 28.09	The program shall assign an educational case manager to each student.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
8.7 IEP Implementation 28.09	The program shall implement all services on the students' IEPs.
	Rating: Implemented RESPONSE REQUIRED: Yes

Department of Education Comment: *In the Department's follow-up onsite conducted in August 2006, documentation review indicated that Judge Rotenberg Center had been utilizing an internal form titled "Addition to Waiting List." Language used on this form such as "drop counseling" and "drop Speech/OT" implied the school was not willing to provide these services when indicated on student IEPs as required above. Staff interviews and review of student records revealed, however, that the school was consistently providing all related services to students when specified on their IEPs. Additionally, staff were reinforcing the development of communication and motor skills in all environments. Immediately upon the Department's recommendation, Judge Rotenberg Center removed this language from the form. Progress reporting and onsite review of student records will be utilized to verify the continued implementation of this changed procedure.*

CRITERION NUMBER	
	Legal Standard
8.8 IEP – Progress Reports 28.07(3) 20 U.S.C. Chapter 33, Section 1414(d)(1)(A) (viii) IDEA Regulations: 300.347	<p>The program shall send copies, at least quarterly, of progress reports to the parents and public school (if student is in a collaborative or private placement).</p> <p>Such reports must include written information on the student's progress toward the annual goals in the IEP (specifying each quarter), including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year.</p> <p>Copies of progress reports shall be maintained in student records, <u>including documentation of persons or agencies receiving such reports.</u></p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
34 CFR 300.347(b)(1) 34 CFR 300.347(b)(2)	appropriate, the Team considers and writes specially designed, measurable goals based on age-appropriate transition assessments related to training, postsecondary education, employment, and, where appropriate, to independent living skills. If transition services are included in the IEP, they are based upon the student's needs, taking into account the student's preferences and interests, and may include employment or other post-school adult living objectives, and the acquisition of daily living skills and functional vocational evaluation.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *Documentation review revealed that a description of transition services is not included on all IEPs. Interviews and documentation review revealed that only a very small percentage of the students who are within the age range for transition have had assessments related to training, postsecondary education, employment, and independent living skills.*

In its response, JRC sent several Massachusetts student IEP's that do contain either transitional or vocational goals and objectives, but there is no clear, written description of how these programs are run or relate to individual student need. While JRC describes administering assessment tools to determine transition goals and objectives for students, the school did not provide any completed examples of these. Additionally, while JRC administers "Long Term Planning Questionnaires" (samples of these were sent in the response) to students these questionnaires are often incomplete and do not adequately describe how the transition process is envisioned for each individual student or how the school conducts follow-up to these questionnaires.

CRITERION NUMBER	
	Legal Standard
8.12 IEP – Transition Services 28.05(4)(c)	For students approaching graduation or the age of twenty-two, the private school's participant on the IEP Team will provide sufficient information to the Team to enable the Team to determine whether the student is likely to require continuing services from adult human service agencies. The private or public school may make the referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services (at least two years prior to the student's 22 nd birthday) in accordance with the requirements of MGL c.71, §12-A-§12C (known as Chapter 688).
	Rating: Implemented RESPONSE REQUIRED: No

**AREA 9: EDUCATIONAL PROGRAM REQUIREMENTS -- STUDENT DISCIPLINE
AND BEHAVIOR MANAGEMENT**

CRITERION NUMBER	
	Legal Standard
9.1 Policies and Procedures 18.05 (5)	The program develops a comprehensive set of policies and procedures dealing with discipline and behavior management that meet all federal special education requirements, and all applicable state and federal requirements pertaining to the use of restraint. (See Criterion 9.4 below.) These policies and procedures are consistently implemented.
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings: *See comments under Criterion #9.4.*

CRITERION NUMBER	
	Legal Standard
9.2 Discipline Code	The private special education program develops and implements a student discipline code of conduct.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
9.3 Runaway Students 18.03 (10)	The program shall have a written policy, including a definition of runaways, appropriate for the school population and location, as well as procedures for handling students who run away. These policies must be approved by the Department of Education. The school must notify the Department, the local school district and/or other

CRITERION NUMBER	
	Legal Standard
	involved agencies and parents immediately whenever any student runs away.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
9.4 Restraints 18.05 (5) 603 CMR 46.00	<p>A private <u>day</u> educational program must develop a policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.</p> <p>A residential educational program and any day educational program operated by a residential program must comply with the DEEC restraint requirements contained in 102 CMR 3.00 for all students enrolled in such program.</p> <p>A private school educational 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>
	Rating: Implemented RESPONSE REQUIRED: Yes

Department of Education Comment: *The school has an approved restraint policy from the Department of Early Education and Care. The school must update the Department if there are any changes to the approved policy.*

Additionally, a review of documentation, staff interviews and student records indicate that the school uses aversive treatments that are specifically authorized by probate court orders.

CRITERION NUMBER	
	Legal Standard
9.5 3-5 Day Suspensions 18.05(6)	<p>Upon admission of a student, the private special education program shall provide a written policy on suspensions to the parents and to the school district and human service agency that placed the student. Such policy shall also contain the following information:</p> <p style="margin-left: 40px;">a. Whenever a student is suspended, the school shall immediately notify the parents and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement</p>

	<p>explaining the reasons for suspension to the parents and public school district.</p> <p>b. No student may be suspended and sent home unless a responsible adult is available to receive the student.</p> <p>c. Once a student has been suspended for three (3) consecutive school days or five (5) non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent more lengthy suspension of the student from the program.</p> <p>d. Procedures must be in place to record and track the number and duration of suspensions, including suspensions from any part of the student’s IEP program (including transportation).</p> <p>NOTE: Sending a student home “early” is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Education.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>9.6 Suspensions Joint responsibilities of the public/private school and the responsible school district Federal Requirements: 34 CFR 300.519-.529</p>	<p>The private special education program implements the following procedures when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days:</p> <p>a. A request is made of the student's responsible school district to convene an IEP Team meeting, which includes representation from the private school, prior to a suspension that constitutes a change in placement of a student with disabilities;</p> <p>b. The private school participates in the Team meeting:</p> <ul style="list-style-type: none"> o To develop or review a functional behavioral assessment of the student’s behavior and to develop or modify a behavior intervention plan; o To identify appropriate alternative educational setting(s); and <p>c. To conduct a manifestation determination (i.e., to determine the relationship between the disability and the behavior). To do this, the Team asks questions including: Is the IEP appropriate? Is the placement appropriate? If there was a behavior plan, was it implemented? Does the student understand the impact and consequences of his/her behavior? Can the student control his/her behavior?</p> <p>d. If the Team determines that the behavior is <u>NOT</u> a manifestation of the disability, the school may suspend or terminate the student consistent with policies applied to any other student in the program. The responsible</p>

CRITERION NUMBER	
	Legal Standard
	<p>school district must, however, offer an appropriate education program to the student with disabilities that may be in some other setting.</p> <p>e. If the Team determines that the behavior <u>IS</u> a manifestation of the disability, the placing district, in coordination with the private school, takes steps (with the consent of the parent) to modify the IEP, the behavior intervention plan, and/or the placement.</p>
	<p>Rating: Partially Implemented RESPONSE REQUIRED: Yes</p>

Department of Education Findings: *Documentation review indicates that the school’s written policy addressing “alternate education within a residential setting” does not describe fully the process involved in decision-making regarding whether or not a student is safe enough to be transported from the residence to the school. The written policy does not detail the staff involved with the decision-making, how services specified on the IEP are provided in the residence, and how the situation is monitored so the student can return to school as quickly as possible.*

CRITERION NUMBER	
	Legal Standard
<p>9.7 Terminations 28.09(12) 18.05(7)</p>	<p>The private special education 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.</p> <p>The program develops a written termination policy that includes, but is not limited to, the following:</p> <ol style="list-style-type: none"> a. At the request of the public school district, the program shall delay termination of the student for up to two (2) 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. b. With mutual agreement between the private special education program and the placing public school district, termination of enrollment may be delayed for longer than two calendar weeks. c. For <u>planned</u> terminations, the private special education 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. d. For <u>emergency</u> terminations, which are 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

CRITERION NUMBER	
	Legal Standard
	28.09(12)(b) and immediately notify the Department of Education.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 10: EDUCATIONAL STAFFING REQUIREMENTS -- STUDENT:TEACHER AND STUDENT:CHILDCARE WORKER RATIOS

CRITERION NUMBER	
	Legal Standard
10.1 Student: Teacher Ratios 28.06(6)(d)&(g) 28.09(7)(e)	<p>Unless otherwise approved by the Department of Education, the private special education program ensures that instructional groupings do not exceed:</p> <ul style="list-style-type: none"> • 8 students to one certified teacher without an aide • 12 students to one certified teacher with an aide
	Rating: Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *Although JRC’s student:teacher ratios are in compliance, they vary from classroom to classroom, and the school has not articulated the rationale for this variance.*

CRITERION NUMBER	
	Legal Standard
10.2 Age Range 28.06(6)(f)	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).

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *There are classrooms (i.e., crisis classrooms) with an age range of greater than forty-eight months for which the school does not have a waiver. Additionally, interviews revealed that the school has adults over the age of 22 mixed in with the student classrooms.*

CRITERION NUMBER	
	Legal Standard
10.3 Programs for Young Children 28.09(7)(e) 28.06(7)	The program shall ensure that any and all substantially separate classrooms for young children (3 and 4 year olds) do not exceed nine (9) students with one teacher and one aide.
	Rating: Not Rated RESPONSE REQUIRED: No

Department of Education Comment: *There are currently no students in this age group enrolled in the program.*

CRITERION NUMBER	
	Legal Standard
10.4 Student: Child Care Ratios 28.09(7) 18.01(2)	The program has a student to childcare worker ratio of: <ul style="list-style-type: none"> • Not lower than 4:1 nor greater than 6:1 during non- “school day” waking hours • Not lower than 6:1 nor greater than 8:1 during sleeping hours
	Rating: Implemented RESPONSE REQUIRED: Yes

Department of Education Findings *Although JRC’s student:childcare worker ratios are in compliance, they vary from setting to setting and the school has not articulated the rationale for this variance.*

CRITERION NUMBER	
	Legal Standard
10.5 Alternative Ratios 18.03(2)	Where applicable, the private special education program shall submit a justification for alternative ratios for student to childcare workers, and the Department shall approve or disapprove these at its discretion.
	Rating: Not Applicable RESPONSE REQUIRED: No

AREA 11: EDUCATIONAL STAFFING REQUIREMENTS -- PERSONNEL POLICIES, QUALIFICATIONS, RESPONSIBILITIES

CRITERION NUMBER	
	Legal Standard
11.1 Personnel Policies 28.09(7) 28.09(11)(a) 18.05(11)	<p>The private special education program shall develop written personnel policies and procedures that describe:</p> <ul style="list-style-type: none"> a. Criteria and procedures for hiring, written evaluations, suspension or dismissal of any staff person; and development of teacher and staff evaluation forms; b. Procedures for handling staff complaints; c. Provisions for vacations, holidays, leaves, sick days, and any other benefits offered by the program; d. A plan for using volunteer and/or intern services; e. Equal employment/educational opportunities/affirmative action in regard to race, color, creed, national origin, sex, sexual orientation and handicap; and f. Consistent with state law effective on February 25, 2003, procedures for accessing, considering and acting upon Criminal Offender Record Information (CORI), for current and prospective employees, volunteers, school transportation providers and others who may have direct and unmonitored contact with students. <ul style="list-style-type: none"> o <u>[NOTE: For applicants or employees who reside outside of Massachusetts, approved special education schools should obtain and review criminal record information from the state of residence of the applicant or employee on the same basis as it does for applicants and employees who reside in Massachusetts.]</u>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.2 Administrative Responsibility 18.05(11)(a)	The private special education program shall designate one person who will have administrative responsibility over the operation of the school. Schools with more than 40 professional licensed staff may have one (or more) assistant administrator(s) provided the Department approves such positions.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.3 Educational Administrator Qualifications 28.09(7)(a) 603 CMR 44.00 and 44.04	<p>The program shall designate an educational administrator to supervise the provision of special education services in the school and to ensure that the services specified in each student’s IEP are delivered. The educational administrator either shall have licensure as a special education administrator or all of the following:</p> <ul style="list-style-type: none"> • A current 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. <p>The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.</p> <p>The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.4	The private special education program must ensure that all teaching staff have

CRITERION NUMBER	
	Legal Standard
Teachers (Special Education Teachers and Regular Education Teachers) 28.09(7)(b)(c) 18.05(11)(f)	teaching license (certification) 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: <ol style="list-style-type: none"> a. All teaching staff shall be re-licensed pursuant to the requirements of 603 CMR 44.00 and shall be subject to the same requirements as teachers in Massachusetts public schools and shall be required to obtain supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04. b. At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the school; other teaching staff shall be licensed in other educational areas, in order to provide for content expertise in the general curriculum. The Department of Education may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services. c. To the extent that teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.4(a) Professional Development Plans 28.09(7)(b)(c) 18.05(11)(f)	All licensed teaching staff holding professional licensure shall be required to obtain supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04.
	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 shall be appropriately certified, licensed or registered by their respective state boards or professional associations and the Department of Education, when appropriate.

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.6 Master Staff Roster 28.09(7)	<p>The private special education program maintains a master list of ALL staff for <u>every</u> position within the program. This list must include job titles along with their corresponding UFR title numbers <u>for private programs</u>, staff qualifications, and full-time equivalents (FTE's) for public and private programs. This list may include, but is not limited to:</p> <ul style="list-style-type: none"> • Administrators <ul style="list-style-type: none"> ▪ Special education teachers ▪ General education teachers ▪ Related services professional staff ▪ Registered Nurse ▪ Direct (child) care workers ▪ Direct (child) care supervisors ▪ Clerical and maintenance staff ▪ Psychologist ▪ Social worker ▪ Food service staff ▪ Consultants
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.7 Job Descriptions 18.05(11)(d)	The private special education program has written job descriptions for all staff positions that shall be made available to staff as well as parents, if requested.

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.8 Salary Ranges 18.05(11)(e)	The program shall establish in writing a salary range including benefits covering all positions and shall inform each employee of the same for his/her position.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.9 Organizational Structure 28.09(7) 28.07(c)	The program shall demonstrate that its organizational structure provides for the effective and efficient operation of the school, supervision of school staff, and supervision of students.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.10 Supervision of Child Care Workers (Direct Care Staff) 18.03(4)	Each program shall provide ongoing and regular supervision of all childcare workers by a professional staff person who has supervisory and administrative responsibility within the school.

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.11 Supervision of Students 28.09(7) 18.03(1)	<p>The program shall develop and implement a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any school-related activity on and off school grounds.</p> <p>This plan must include arrangements for individual and group recreational programs appropriate to the age, interests, and needs of each student with assigned staff as appropriate.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
11.12 Accessibility of Extracurricular Activities Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.41; Section 504: 29 U.S.C. 794; 34 CFR 104.4,104.37(a), (c); Title II: 42 U.S.C. 12132; 28 CFR 35.130;	<p>Extracurricular activities sponsored by the private special education program are nondiscriminatory in that:</p> <ul style="list-style-type: none"> • The school provides equal opportunity for all students to participate in intramural and interscholastic sports • Extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation, disability, or homelessness

CRITERION NUMBER	
	Legal Standard
NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; M.G.L. c. 76, s. 5; 603 CMR 26.06	
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Given that the Department was unable to view the typical recreation/after school schedule due to renovations at the school, the school must update the Department when the renovations are complete.*

CRITERION NUMBER	
	Legal Standard
11.13 Plan for Staff Coverage 18.03(1)(b)4	Each program must provide a detailed description of how the school will provide childcare and/or overall staff coverage in the absence of workers due to illness, staff vacancies, emergencies, or other unexpected circumstances.
	Rating: Implemented RESPONSE REQUIRED: No

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS -- STAFF TRAINING

CRITERION NUMBER	
	Legal Standard
12.1	The private special education program develops a written plan for staff orientation

CRITERION NUMBER	
	Legal Standard
Staff Orientation Training 18.05(11)(g)	<p>and provides an orientation-training program for all new staff to ensure an understanding of the school’s philosophy, organization, program, practices and goals.</p> <p>The written plan shall describe how newly hired staff are provided training on all required topics at the time of hire if the required topics have already been covered with existing staff.</p> <p>*New staff may not be assigned direct care duties with students until they have participated in all mandated training through their orientation program.</p>
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *While the school provides two weeks of training to new employees, staff interviews revealed the need for more hours of staff orientation training in order to prepare them to meet the challenging needs of the students.*

CRITERION NUMBER	
	Legal Standard
12.2 Annual In-Service Training Plan and Calendar 28.09(7)(f) 18.05(11)(h) Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42;	<p>The private special education program develops and implements a written plan for staff orientation and training that is consistent with the needs of the student population, appropriate to the role of each staff member and provides, on average, at least two (2) hours per month of relevant training for <u>all</u> staff including non-professional staff (child care workers/direct care staff on all shifts). Staff input on training needs is elicited and considered.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be offered annually to all staff providing direct care services to students:</p> <ol style="list-style-type: none"> a. Reporting abuse and neglect of students to the Department of Social Services (51-A) and/or the Disabled Persons Protection Commission; b. Emergency first aid training by a certified instructor and, where specifically required by the Department of Education, certification in CPR; c. Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects); d. Runaway policy; e. Transportation safety (if applicable); f. Student record policies and confidentiality issues; g. Evacuation policies and emergency procedures including, but not limited to,

CRITERION NUMBER	
	Legal Standard
M.G.L. c. 76, s. 5; 603 CMR 26.00, esp. 26.07(2), (3)	utilization of the alarm system, evacuations in instances of fire or natural disaster; h. Behavior management policies and procedures used by the program such as positive reinforcement, point/level systems, token economies, time-out procedures; i. Restraint procedures including de-escalation methods used by the program; j. Curriculum alignment with the Massachusetts Curriculum Frameworks; k. Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and l. Civil rights responsibilities.
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *Refer to Criterion 12.2 (d).*

CRITERION NUMBER	
	Legal Standard
12.2 (a) Details Behavior Management and Restraint Training 28.09(11) 18.05(5)	<p>Training on behavior management and suspension and termination procedures includes:</p> <ol style="list-style-type: none"> a. Program’s student conduct/discipline code b. Description of safeguards for students’ emotional, physical, and psychological well-being c. Policies on use of time-out procedures d. Techniques for dealing with disruptive and violent behavior including skill training on the proper use of non-violent restraint e. Detailed procedures pertaining to the use of any type of restraint, which must meet or exceed any requirements in applicable state regulations or policy * f. Procedures for obtaining and recording data regarding student discipline and behavior along with a description of how such data will be integrated into IEP Team discussions g. Procedures for obtaining parental consent, if appropriate <p>*NOTE: OCCS residential regulations on behavior management, including restraint and time-out, are found at 102 CMR 3.07(7). The provisions relating to restraint are expanded in EOHHS/OCCS’s “Guidelines for Physical Restraint” issued 1/11/00. DMH regulations regarding restraint may apply to schools serving DMH clients. DOE Regulations on the Use of Restraints in Publicly Funded Education Programs [603 CMR Section 46.00] apply to a private day programs approved by the Department of Education where such program does not hold the approval of the Department of Education as a residential school.)</p>

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (b) Child Abuse Reporting 18.05(9)(j)	The program has written procedures and staff training for the reporting of suspected child/student abuse or neglect to the Department of Social Services (MGL c.119, s. 51A) and the Disabled Persons Protection Commission (MGL c. 19C). Such procedures include notification to the Department of Education when a report is filed against the program or its employee(s).
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(c) Details CPR Certification and Emergency First Aid Training 18.05(9)(e)	The program shall develop written policies and procedures for annual basic/emergency first aid training for all direct care staff. Where specifically required by the Department of Education, direct care personnel maintain appropriate CPR certification.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(d) Details	Training by a physician or registered nurse shall be given to all staff who provide care and instruction to students receiving medication.

CRITERION NUMBER	
	Legal Standard
Medication Training 18.05(9)(f)(3) (c)	The training shall include the nature of a medication, potential side effects and any special precautions or requirements. (Note: See requirements for health care manual, which must include policies and procedures on medication administration.)
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *Not all staff who provide care and instruction to students receiving medication have been trained on potential side effects and/or special precautions or requirements.*

CRITERION NUMBER	
	Legal Standard
12.2(e) Student Record Training 28.09(10)	The private special education program shall train staff to keep current and complete files for each publicly funded enrolled student and shall train staff to manage such files consistent with the Massachusetts Student Record Regulations (603 CMR 23.00) and MGL c.71, s.34H.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(f) Emergency Procedures Training 18.05(10)	All staff shall be trained relative to emergency procedures, evacuation policies and procedures and in the use of the alarm system and equipment such as fire extinguishers. The program shall conduct at least two evacuation drills per shift at each location annually (including all day programs, and residences in the evening and overnight) to ensure that all students are able to leave the building safely. In addition, the program shall: <ul style="list-style-type: none"> a. Help all students to understand the nature of the drills b. Make special provisions for the evacuation of any mobility-impaired student in the facility c. Keep a written log of each evacuation drill which includes date, time

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	Legal Standard
	elapsed, participants (students and staff), witnesses, etc.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(g) Interns and Volunteers Training 18.05(11)(i)	If applicable, the training plan includes provisions for the orientation, training and supervision of interns, volunteers or others who work at the program.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2(h) Child Care Staff Development and Training 18.03(3)	The private special education program shall develop and implement with staff input a detailed written plan for staff development and in-service training of all childcare workers.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
12.2 (i) Staff Evaluations	Written performance evaluations shall be scheduled and maintained for all staff as outlined in the program's Personnel Policy and Procedures Manual.

CRITERION NUMBER	
	Legal Standard
18.05(11)(c)1.	
	Rating: Implemented RESPONSE REQUIRED: No

AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS

CRITERION NUMBER	
	Legal Standard
13.1 Educational Facilities and Materials 28.09(8)	The private special education program shall provide the facilities, textbooks, equipment, technology, materials and supplies needed to provide the special education and related services specified on the IEP's of enrolled students. If specialized materials or equipment are needed solely for an individual student, the program may enter into an agreement for the provision of such materials or equipment by the school district enrolling the student.
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.2 Description of Physical Facility 28.09 (8) 18.04	A narrative description and floor plans of <u>all</u> buildings for each school and/or program (including residences) are provided, including number of floors, room numbers, types and sizes of rooms (i.e., classrooms, time-out rooms, counseling-therapy rooms, tutorial rooms, physical education facilities and other specialized service delivery spaces for school buildings, bedrooms, bathrooms, kitchen area, dining area, and living areas for residences).

CRITERION NUMBER	
	Legal Standard
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.3 Comparability of Facilities	Where the private special education program provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the program, including:
Title VI: 42 U.S.C. 2000d; 34CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34CFR 106.33,106.40 (b)(3); Section504: 29]U.S.C. 794; 34CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)	<ul style="list-style-type: none"> • Separate facilities for disabled, limited English proficient or pregnant students that are comparable to the facilities for other students in the program; and • Separate toilet, locker room, and shower facilities for students of one gender that are comparable in size, condition, number and location to those provided to students of the other gender.
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.4 Physical Facility/Architectural Barriers 18.04(8) 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; Mass. Const. amend. art. 114	<p>The private special education program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the school buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All schools receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.</p> <p>If any part of the program is not accessible to students with limited physical mobility, a plan and timetable is provided that describes how the school will make all programs and appropriate buildings accessible.</p>
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.5 Kitchen, Dining, Bathing/ Toilet, and Living Areas 18.04(2),(3), (4),(5)	<p>The private special education program shall ensure that all kitchen, dining, bathing/toilet and living areas are of an adequate type, size and design appropriate to the ages and needs of the students. The program shall also:</p> <ol style="list-style-type: none"> a. Maintain areas which are clean, well ventilated and free from hazards; b. Provide students with equipment, supplies and materials (e.g., kitchen equipment, dining utensils, toilets, sinks, individual furniture and storage space) which are clean, safe and appropriate to the ages and needs of the students; c. Design all living areas to simulate the functional arrangements of a home and to encourage a personalized atmosphere for small groups of students, unless the school can justify that another arrangement is necessary to serve the particular needs of the students enrolled in the school; and

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	Legal Standard
	d. Post a list of student food allergies in all appropriate areas of the residence.
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.6 Classroom Space 18.04(6)(a)	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.
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.7 Library/ Resource Room 18.04(6)(b)	In addition to the regular instructional area, the school shall have a library or resource room (or comparable instructional resource area approved by the Department of Education) that contains a variety of materials appropriate to the age and abilities of the students enrolled.
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.8 Indoor Space 18.04(7)(a)	<p>The school shall have a minimum of thirty-five (35) square feet of activity space per student exclusive of hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices or areas regularly used for other purposes.</p> <p>Additionally, all programs must:</p> <ol style="list-style-type: none"> a. Ensure that all areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards; b. Protect all steam and hot water pipes by permanent screen guards, insulations, or any other suitable device which prevents students from coming in contact with them; c. Maintain room temperatures at not less than 68 degrees Fahrenheit at zero Fahrenheit outside and at not more than the outside temperature when the outside temperature is above 80 degrees Fahrenheit; and d. Designate space separate from classroom areas for administrative duties and staff or parent conferences.
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

CRITERION NUMBER	
	Legal Standard
13.9 Outdoor Space 18.04(7)(b)	<p>The school shall maintain or have access to an outdoor play area of at least seventy-five square feet per student using it at any one time.</p> <p>Outdoor play areas shall be accessible to direct sunlight and free from hazards and/or harsh or abrasive materials. If adjacent to a highway or other dangerous area, it shall be fenced with a non-climbable barrier at least five feet high.</p>
	Rating: Not Rated RESPONSE REQUIRED: Yes

Department of Education Comment: *Due to renovations in process at the school, the Department is unable to make final determinations in all criteria related to facilities until such time as the renovations are complete. The school must notify the Department when the renovations have been completed.*

AREA 14: REQUIREMENTS FOR DAILY CARE

CRITERION NUMBER	
	Legal Standard
14.1 Clothing, Grooming and Hygiene 18.03(5)	The school shall make provisions with parents or, where appropriate, state agencies to assure that all students are provided with clean, appropriate and seasonal clothing as well as with personal grooming and hygiene articles and materials necessary to meet his/her individual needs.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
14.2 Food and Nutrition 18.03(7)	The school's staff shall understand the nutritional requirements of the students enrolled and provide an appropriate number of meals daily (three meals daily for residential programs), at reasonably appropriate times, which constitute a nutritionally adequate diet.
	Rating: Not Rated RESPONSE REQUIRED: No

Department of Education Findings: *Not rated in this report. Findings to be addressed by the Department's School Nutrition and Health Services Unit under separate cover.*

CRITERION NUMBER	
	Legal Standard
14.3 Toileting Procedures and Individual Plans 18.03(8)	The private special education program shall develop and implement a written plan describing required procedures including regular toileting and diapering, disposal or laundering of soiled clothing or diapers and protecting the personal privacy of all students. Toilet training plans based on parental input, the IEP and the student's physical and emotional abilities.
	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 private special education program shall have a written plan for involving parents and shall have a Parents' Advisory Group that shall advise the school 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>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.2 Orientation Procedures 28.09(11)	<p>The school shall develop and implement orientation procedures for parents and students upon student admission to the program.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.3 Information to be translated into	<p>When students have parents or guardians with limited English language skills, the private special education program ensures that general announcements and notices of extracurricular activities and other opportunities are distributed to them in the primary language of the home.</p>

CRITERION NUMBER	
	Legal Standard
Languages other than English Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)	
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.4 Change of Student's Legal Status 18.05(4)(b)	<p>The school shall have procedures for assuring that it is informed by a parent or guardian of any changes in a student's legal status, and of the results of all judicial and administrative proceedings concerning the student.</p> <p>The school shall have written procedures for disseminating this information to appropriate personnel.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.5 Parent Consent 28.07(1)(b)	<p>The program shall notify the placing school district when multiple efforts have been made, yet have failed to involve the parent and obtain necessary parental consent.</p> <p>Matters requiring annual parental consent include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a. In coordination with responsible school districts, IEP-related matters b. Emergency medical care c. Medications d. Restraints e. Publicity, research, evaluation f. Field trips

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	Legal Standard
	g. In coordination with responsible school districts, the Parental Notification Law pursuant to Chapter 71, Section 32A concerning curriculum that primarily involves human sexual education or human sexuality issues
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.6 Student Involvement 34CFR 300.344	The program shall collaborate with the placing school district to ensure student participation in Team meetings where required by law and if appropriate. If the student does not attend the IEP meeting, steps are taken to ensure that the student's preferences and interests are considered.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
15.7 Consent at Age of Majority 28.07(5)	<p>One year prior to the student's reaching age eighteen, the program works collaboratively with the responsible school district to ensure consent is obtained from the student to continue the special education program upon turning age eighteen, or to ensure that another mechanism is in place to obtain consent, i.e.:</p> <ul style="list-style-type: none"> • The parent or other legally eligible party has petitioned and been appointed guardian by a court of competent jurisdiction • The student chooses to share decision-making with his or her parent • The student chooses to delegate continued decision-making to his or her parent or other willing adult <p>(See also Criterion 15.3.)</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
<p>15.8 Registering Complaints 18.05(1)(b)16</p> <p>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. 12132; 28 CFR 35.107; NCLB: Title X, Part C, Sec. 722(g)(1)(J)(ii))</p>	<p>The private special education program shall develop and make available to parents and students a set of written procedures that may be used to register complaints regarding the student's education and care at the school.</p> <p>The private special education program must also adopt and publish grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER	
	Legal Standard
<p>16.1 Health care Policy and Procedure Manual 18.05(9)(d) 18.05(9)(c)</p>	<p>The school shall have a comprehensive, written health care policies and procedures manual that clearly describes provisions made for medical, nursing and infirmary care of students. This manual must be approved by a licensed physician, include all applicable policies and procedures, and be made available to staff.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
16.2 Physician Consultation 18.05(9)(a)	The school shall secure the services of a licensed physician available for consultation.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.3 Nursing 18.05(9)(b)	The school shall secure the services of a registered nurse or a licensed practical nurse available as deemed necessary by the Department depending upon the health care needs of the school population.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.4 Emergency First Aid 18.05(9)(e)	<p>The school shall have written policies and procedures for emergency first aid and care including:</p> <ol style="list-style-type: none"> a. Training of all direct service staff by a certified instructor in emergency first aid; b. Secure storage of adequate first aid supplies, including but not limited to bandages, body substance isolation gloves, gauze, adhesive tape, hydrogen peroxide or other cleaning solutions, and ipecac. c. Storage of and easy access to first aid supplies and health care policies and procedures in major activities areas; d. Posting of telephone numbers for the fire department, police station, poison prevention center, hospital emergency room and ambulance service serving the school in living quarters and educational facilities; e. Procedures to be followed in the case of illness or emergency such as motor vehicle accident, including methods of transportation and notification of parents; f. Procedures to be followed in the case of fire or other emergency; g. Procedures for informing parents of any medical care administered to their

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	Legal Standard
	child or of any injury or illness that requires care other than basic first aid; and h. Procedures to be followed in the case of illness or emergency if parents cannot be reached.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.5 Administration of Medication 18.05(9)(f)	<p>The school has developed and implements written policies and procedures regarding the administration of medication including, but not limited to, the following:</p> <ul style="list-style-type: none"> a. No medication is administered to a student without written authorization from a parent. Such authorization shall be renewed annually. b. No prescription medication shall be administered to a student without the written order of the physician prescribing the medication to that student. c. The school maintains written policies and procedures regarding prescription and administration of medication including authorization, prepackaging and staff training. d. Any change of medication or dosage must be authorized by a new order from a physician. e. A written record of the administration of prescribed medication to students shall be maintained. Such a record documents the side effects of medication and includes notification to attending physicians of changes in the student's behavior or health that may result from medication. f. All medicine shall be kept in a locked, secure cabinet and labeled with the student's name, the name of the drug and the directions for its administration. g. The school shall dispose of or return to the parents any unused medication. h. Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist. i. Provisions must be made for refrigeration of medications, when necessary. j. The school shall have a written policy regarding the amount of medication to be kept on the premises at any one time for each student receiving medication.

CRITERION NUMBER	
	Legal Standard
	k. A review of medications administered to a student shall be incorporated into all progress reviews conducted for the student.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.6 Administration of Antipsychotic Medication 18.05(9)(f)(9)	<p>The school shall not administer or arrange for the administration of antipsychotic medication (drugs used in treating psychoses and alleviating psychotic states) except under the following circumstances:</p> <ol style="list-style-type: none"> a. Antipsychotic medication shall be prescribed by a licensed physician for the diagnosis, treatment and care of the child and only after review of the student's medical record and actual observation of the student. b. The prescribing physician shall submit a written report to the school detailing the necessity for the medication, staff monitoring requirements, potential side effects that may or may not require medical attention and the next scheduled clinical meeting or series of meetings with the student. c. No antipsychotic prescription shall be administered for a period longer than is medically necessary and students on antipsychotic medication must be carefully monitored by a physician. d. Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any. e. Except in an emergency, as defined in 18.05 (9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. If a student is in the custody of his/her parent(s), parental consent (in writing or in a witnessed conversation) is required. Parental consent may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought. f. In an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action and there is no less intrusive

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	Legal Standard
	<p>alternative to the medication. The treating physician must determine that medication is necessary to prevent the immediate substantial and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 18.05(9)(e).</p> <p>g. The school shall inform a student twelve years of age and older, consistent with the student's capacity to understand, about the treatment, risks and potential side effects of such medication. The school shall specify and follow procedures if the student refuses to consent to administration of the medication.</p>
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
<p>16.7 Preventive Health care 18.05 (9)(f)(9)(h)</p>	<p>The school shall develop and implement a written plan for the preventive health care of students that includes, but is not limited to the following:</p> <ul style="list-style-type: none"> a. Provisions for each student to receive an annual comprehensive medical and dental examination; b. Vision, hearing, postural and other required screenings conducted in accordance with M.G.L. c.71 s.57; c. Provisions ensuring that all students are immunized as required by the Department of Public Health; d. Procedures for communicable disease notification and prevention of students and staff; e. A student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school; the school shall notify all parents and referring agencies of the reported communicable disease within the school. f. Provision of a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students; g. Medications and medical supplies are not locked in the same cabinet as other toxic substances. Toxic substances are labeled with contents and antidote and the phone number for the nearest poison center is posted clearly. h. Provisions of family planning information, subject to any applicable state or federal legislation; and i. Procedures for protecting students from exposure to foods, chemicals, or other materials to which they are allergic.
	<p>Rating: Implemented RESPONSE REQUIRED: No</p>

CRITERION NUMBER	
	Legal Standard
16.8 Receipt of Medical Treatment-Religious Beliefs 18.05(9)(k)	In the absence of an emergency or epidemic of disease declared by the Department of Public Health, the school shall not require any student to receive medical treatment when the parents object thereto on the ground that such treatment conflicts with a religious belief.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.9 Students with Comfort Care/Do Not Resuscitate Orders	The private special education school program develops a policy on the care of a child with a DNR order. Special consideration must be given to meeting child and family needs as well as other students and staff.
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
16.10 Meningococcal Disease and Vaccination MGL, Chapter 76, s.15D 105 CMR 220.700	All new students at private residential schools that provide education to students in grades 9-12 must: <ul style="list-style-type: none"> • Receive information about meningococcal disease and vaccine; and • Provide documentation of receipt of one (1) dose of meningococcal vaccine within the last five years or qualify for one of the exemptions to immunization established by the statute.

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented RESPONSE REQUIRED: No

AREA 17: TRANSPORTATION SAFETY

CRITERION NUMBER	
	Legal Standard
17.1 Transportation Safety 28.09(11)(b)	<p>The program develops transportation procedures that ensure that vehicles are safe, insured, and operated by qualified and trained individuals, and that students are transported in a safe manner that is responsive to individual students' needs and provisions of their IEPs. In the event of a motor vehicle accident, parents, school districts, human service agencies, and the Department of Education are notified immediately.</p> <p>The school ensures that <u>any</u> person who is responsible for operating a vehicle owned or contracted for by the school which carries students shall receive in-service training on overall transportation safety and the individual needs of the students they transport.</p>
	Rating: Implemented RESPONSE REQUIRED: No

AREA 18: STUDENT RECORDS

CRITERION NUMBER	
	Legal Standard
18.1 Student Records 28.09(10)	<p>Approved special education schools shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall maintain such files consistent with the Massachusetts Student Record Regulations (603 CMR 23.00) and MGL c. 71, s.34H.</p>
	Rating: Implemented RESPONSE REQUIRED: No

CRITERION NUMBER	
	Legal Standard
18.2 Student Records (Log of access and face sheet information) 28.09(10)	<p>Student records shall be legibly dated and signed by persons making entries. Individual access logs shall be maintained for each record. All records must contain:</p> <ol style="list-style-type: none"> a. Log of access consistent with requirements of the Massachusetts Student Record Regulations b. Face sheets updated at least annually with the following information: <ul style="list-style-type: none"> o Name o Date of birth o Recent picture o Date of admission to private school o Name of educational case manager assigned by the public/private school program o Location of residential service within facility (if applicable), and name of residential case manager or supervisor o Date initially eligible for special education (if known) o Date of most recent special education evaluation(s) o Date of next expected 3-year reevaluation o Starting and expiration dates of current (or most recent) IEP o Primary language of student o Legal status of student o If under 18: in custody of both parents, one parent [specify], legal guardian [specify], other [specify] o If 18 or over: makes own decisions; under legal guardianship [specify]; has shared role with parent in education decisions [specify] o Other state agency/ies involved with student o Parent/guardian contact information: names, addresses, home & work telephone numbers, e-mails o Primary language of parents/guardian o Contact information of persons other than parents to be contacted in an emergency (names, addresses, telephone numbers) o Educational surrogate contact information (if applicable) o Notation of allergies and/or any other medical condition affecting student's well-being (e.g., seizures) o Information specific to the student regarding the handling of medical emergencies c. Copy of current IEP d. Copies of quarterly progress reports and any modification of the IEP e. Copy of the student's termination or discharge plan f. Health records, including reports, documentation of physical examinations, allergies, screening tests, results of medical care g. All evaluations or assessments conducted of the student h. Pertinent correspondence concerning the student i. Information regarding the use of behavior management interventions

CRITERION NUMBER	
	Legal Standard
	including, but not limited to, restraint (chemical, mechanical, physical) and time-out procedures j. Copies of all incident reports
	Rating: Partially Implemented RESPONSE REQUIRED: Yes

Department of Education Findings: *The school does not have signed contracts with school districts that are completed annually, as required under CMR 28.06(3)(f).*

Regulation	Legal Standard
603 CMR 18.03(7)(b)(2)	Food and Nutrition. No student shall be denied, nor unreasonably delayed, a meal for any reason other than medical prescriptions. Meals shall not be withheld as a form of punishment under any circumstances.
	Rating: Implemented RESPONSE REQUIRED: No

Department of Education Findings: *The Department understands that JRC must obtain court approval for each student for whom it utilizes its Contingent Food Program or its Specialized Food Program. . Due to the probate court’s authorization of JRC’s Contingent and Specialized Food Programs, the above-cited regulation is not applicable to such programs.*

With respect to JRC’s use of food in its regular, non-court ordered programs (JRC’s Rewards Procedures and its Standard Deceleration Procedures) the Department finds that those practices are consistent with 603 CMR 18.03(7)(b)(2) based on JRC’s responses to the Department’s questions in this regard.

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Prepared by: Kevin Bobetich, Caryn N. Goldberg