

**Office of Approved Special Education Schools (OASES)**

**Approved Day and Residential**

**Special Education School Programs**

**Monitoring Criteria for Program and Mid-Cycle Reviews**

**Important Reminder for All Approved Special Education Schools**

The criteria listed below for Mid-cycle and Program Reviews have been selected from the full list of required criteria for Approved Special Education Schools found here:

<https://www.doe.mass.edu/oases/sa-nr/criteria-standards.docx>

It is important to note that while the selected criteria below are the primary criteria being evaluated during the scheduled review, approved special education schools are required and expected to be in compliance with the full list of criteria as linked above.

During the scheduled review, liaisons are responsible for ensuring all currently monitored criteria are in full compliance but will also be looking to ensure that other criteria, particularly health and safety-related criteria, are in compliance.

For example, Criterion 9.1(a) (Student Separation Resulting from Behavior Support) and Criterion 9.4 (Physical Restraint) are not listed as monitored criteria but liaisons will still be looking to ensure that programs are meeting requirements. This may mean that the liaison will look at:

* Any rooms used as time-out spaces
* Time-out/student separation logs
* Physical restraint review logs
* Physical restraint reports

Programs found not to be in compliance with any criterion can expect to receive a finding on their final report and will be expected to complete progress reports to come into compliance.

**Monitoring Criteria for Program Reviews**

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| CRITERION NUMBER, TOPIC, AND LEGAL STANDARD | REQUIREMENTS | SOURCE OF INFORMATION |
| **1.2 Program & Student Descriptions, Program Capacity**  28.09(2)(a)(2);  28.09(2)(b)(2, 3, 7) | A narrative is provided that describes:   1. Identified population of students to be served; 2. Ages of students; 3. Educational characteristics; and 4. Behavioral characteristics.   **NOTE:** Program and Student Description must be consistent with ESE’s most recent approval of the program. | **Documentation:**   * Written narrative addressing these requirements * Face Sheet * Statement of Assurances |
| **2.2 Approvals, Licenses, Certificates of Inspection**  28.09(5)(b); 28.09(6)(b);  7 CFR 210.3 | The program has current licenses, approvals, and certificates of inspection by state and local agencies.   * **Safety Inspection**. The program shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access. * **Fire Inspection**. The program shall obtain a written report of an annual fire inspection from the local fire department. * **Local Board of Health permit** (certificate to be obtained at least twice a year). | **Documentation:**   * Provide copies of current licenses, approvals, and certificates of inspection   **Observation:**   * Posted certificates |
| **2.3 EEC Licensure (Residential Programs only)**  102 CMR 3.00 | The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00). | **Documentation:**   * Provide copy of EEC license   **Observation:**   * Posted license |
| **3.1(d) Evacuation and Emergency Procedures**  18.05(10) | The program shall develop and implement a plan including procedures on emergencies and evacuations that complies with 603 CMR 18.05(10) and includes:   1. Two evacuation drills conducted for each shift at each location annually; 2. Helping all students to understand the nature of the drills; 3. Special provisions for the evacuation of any mobility-impaired student in the facility; 4. A written log of each evacuation drill that includes date, time elapsed, participants (students and staff), witnesses, etc.; and 5. Evaluation of effectiveness of evacuation plan.   The program shall develop and implement emergency drills (ex. lock down of building, flood preparedness, gas leak) that includes:   1. The assignment of personnel to specific tasks and responsibilities in emergency situations; 2. Instructions for the use of alarm systems and signals; 3. Systems for notification of appropriate persons; 4. Specification of evacuation routes and procedures; and 5. Evaluation of effectiveness of emergency plan. | **Documentation:**   * Copy of written policies and procedures for evacuations and emergencies from policies and procedures manual. |
| **4.2 Public Information and Postings**  28.09(6)(b), (d) and (e) | The following information must be publicly posted:   * Current DESE approval certificate; and * Current EEC License if applicable.   The following information must be readily available:   * First aid procedures; * Emergency procedures; and * Emergency telephone numbers. | **Observation:**   * All required postings |
| **4.4 Advance Notice of Proposed Program/Facility Change**  18.00;  46.00;  28.09 (5)(c) | The program must submit all Form 1 requests through the Web-based Monitoring System (WBMS). Additional instructions and guidance can be found in the WBMS.  Prior to any substantial change to the program or physical plant, the program provides written notification of intent to change to the Department. Notice shall be given with sufficient time to allow the Department to assess the need for the proposed change and the effects of such change on the educational program. The program must also provide written notification to the Department of any sudden and/or unexpected changes that may impact the overall health or safety of students and/or the delivery of services required by IEPs. | **Documentation:**   * Copy of the program’s written procedures for notifying the Department of substantial changes within the program, including the contact person responsible for providing such notification   **Form 1 Submissions:**   * Check for Form 1 submissions prior to onsite |
| **4.5 Immediate Notification**  18.03(10); 18.05(7);  28.09(12) (a, b) | The program shall develop and implement written policies and procedures on notification of serious incidents within the program to all required parties and identifies the person responsible for making this notification.  Pursuant to applicable regulations and agency policy this school is hereby providing immediate notification to DESE for ANY student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during school hours, **except for the death of a student or an emergency termination, which is for both school and residential hours.**   1. The filing of a 51-A report with Department of Children and Families (DCF) OR a complaint to the Disabled Persons Protection Commission (DPPC) against the school or a school staff member for alleged abuse or neglect of any student; 2. Any action taken by a federal, state or local agency that might jeopardize the school’s approval with DESE (i.e., federal or state investigation; closure of intake); 3. 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; 4. The hospitalization of a student (including out-patient emergency room and urgent care visits) due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program; 5. A student run from the program; and 6. Any other incident of serious nature that occurs to a student or staff in the program. (Some examples include: any police involvement, any media involvement, weapons, fire setting, alcohol or drug possession or use while in the program).   **For both school and residential hours:**   1. The death of any student (immediate verbal notification to the student’s parent(s)/guardian(s), responsible public school district, Department of Elementary and Secondary Education, and any other state agency) involved in the education and care of this student. 2. The emergency termination of a student pursuant to 28.09(12)(b).   **NOTE:** All incident reports must be maintained in student records. | **Documentation:**   * Copy of the program’s written procedures for notifying all appropriate parties of serious incidents, including the contact person responsible for providing such notification   **Student Record Reviews:**   * All Form 2 incident reports maintained in student records   **Form 2 Submissions:**   * Check for Form 2 submissions prior to onsite |
| **5.2(a) Contracts**  28.06(3)(f) | There shall be a signed written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3)(f).  Written contracts: School districts shall enter into written contracts with all out-of-district placements. Each contract must include, but not be limited to, the following terms:   1. The out-of-district placement shall comply with all elements of the IEP for the student and shall provide, in writing, to the Administrator of Special Education detailed documentation of such compliance through completion of required student progress reports. 2. The out-of-district placement shall allow the placing school district to monitor and evaluate the education of the student and shall make available, upon request, any records pertaining to the student to authorized school personnel from the school district and the Department in accordance with 603 CMR 23.00: *Student Records.* 3. The out-of-district placementshall allow the placing school district and/or the Department to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense. 4. The out-of-district placement shall afford publicly-funded students all the substantive and procedural rights held by eligible students, including but not limited to those specified in 603 CMR 28.09, and shall comply with all other applicable requirements of 603 CMR 28.00 and applicable policy statements and directives issued by the Department. 5. No school district shall contract with any out-of-district placement that discriminates on the grounds of race, color, national origin, disability, age, religion, sex, gender identity, or sexual orientation. | **Student Record Reviews:**   * Verification of contracts |
| **6.1 Daily Instructional Hours/**  **6.4 School Days Per Year**  27.04; 27.05(2); 28.09(9)(a) | The program ensures that each student is scheduled to receive a minimum of the following instructional hours unless otherwise approved by DESE or a student’s IEP provides otherwise:   * Elementary – A total of:   + 10 month program – 900 hours   + 11 month program – 990 hours   + 12 month program – 1080 hours * Secondary – A total of:   + 10 month program – 990 hours   + 11 month program –1089 hours   + 12 month program – 1188 hours   The program ensures that, unless a student’s IEP provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year (including physical education for all students, required by M.G.L. c. 71, § 3), within the required school year schedule. Where the approved special education school program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.  **NOTE**: The program ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02. The program’s structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students); independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit); technology-assisted learning; presentations by persons other than teachers; school-to-work programs; and statewide student performance assessments. The hours spent in any type of structured learning time must be verified by the approved special education school program. Where the 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.  All programs are run for the following minimum number of days (exclusive of weekends, holidays and vacations):   * 10 month program - 180 days * 11 month program - 198 days * 12 month program - 216 days   Before the beginning of each school year, the program sets a school year schedule for each program. This schedule must contain the number of school days per year DESE approved the program to operate and include at least five additional school days to account for unforeseen circumstances (i.e., snowstorms, flood, etc.) | **Documentation:**   * Structured Learning Time Worksheet |
| **8.4 Program Modifications and Support Services for English Language Learners (ELLs)**  M.G.L. c. 71A; Title VI of the Civil Rights Act of 1964 | The program shall develop a written plan to implement necessary program modifications and support services to identify and effectively serve English language learners (ELLs). Such program modifications and support services comply with applicable state law (M.G.L. c. 71A) and federal law (Title VI).   * The program must acknowledge it is responsible to serve ELLs. * The program must affirm its willingness to accept ELL students into its program. * The student must be afforded the same opportunity to access and participate in the program’s services, activities and other benefits as all other students; and * Unless the student’s IEP specifies otherwise, the student must receive:   + sheltered content instruction from a trained and qualified teacher; and   + additional instruction in English as a Second Language by a certified ESL teacher. | **Student Record Reviews:**   * IEPs of EL students contain required documentation |
| **8.5 Current IEP & Student Roster**  28.09(5)(a) | The program has on file a current IEP for each publicly funded Massachusetts student that has been issued by the responsible public school district and consented to and dated by the student’s parent(s)/guardian(s) or student, when applicable. | **Documentation:**   * Current IEP and Student Roster Form   **Student Record Reviews:**   * Current IEPs of students |
| **8.8 IEP – Progress Reports**  28.07(3);  34 CFR 300.320(a)  (3)(i, ii) | Progress Reports and Content   1. Progress reports must reflect the IEP goals and objectives most recently issued by the responsible school districts and consented to by the parents/guardians/students. 2. Parents/guardians/students shall receive reports on the students’ progress towards reaching the goals and objectives set in the IEPs most recently issued by the responsible school districts and consented to by the parents/guardians/students; and 3. Progress reports must be sent to the parents/guardians/students, public school districts and state agencies, as applicable, by the approved special education school program. | **Student Record Reviews:**   * Completed, dated progress report that corresponds to current IEP * Evidence of when and to whom the school sent copies of progress reports |
| **9.7 Terminations**  18.05(7); 28.09(12)(b) | The program develops and implements a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations.  The policy must include the following:   * **Planned Terminations**: The program shall notify the public school district of the need for an IEP review meeting and provides notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date. * **Emergency Terminations**: In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program shall follow the procedures required under 603 CMR 28.09(12)(b) and immediately notify the Department of Elementary and Secondary Education.   The program shall not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student. At the request of the public school district, the program shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination from the special education school program. With the mutual agreement of the program and the public school district, termination of enrollment may be delayed for longer than two calendar weeks. | **Student Record Reviews:**   * Evidence of notice to school districts prior to termination; * Evidence of notification to parents and the Department of the emergency termination; and * Meeting minutes or documentation from the Team meeting regarding termination |
| **10.1 Staffing for Instructional Groupings**  28.06(6)(d);  28.09(7)(e) | The program shall have instructional groupings that do not exceed 1) the approved ESE Student: Licensed Educator Ratio and 2) the approved ESE Student: Licensed Educator and Aide Ratio.  Student: Licensed Educator Ratio is defined as the number of licensed special education teachers, licensed regular education teachers or licensed related service providers to the number of students within an instructional group.  Student: Licensed Educator and Aide Ratio is defined as the number of licensed special education teachers, licensed regular education teachers or licensed related service providers, and the number of aides (teacher aide, paraprofessional, direct care staff, behaviorist) to the number of students within an instructional group.  **NOTE:** If a program chooses, they may include the dates of birth for each student on the block schedules for criterion 10.1, which would satisfy the documentation requirements for both criteria 10.1 and 10.2. | **Documentation:**   * A summary statement indicating the most recent Department approved student to teacher ratios; * Block schedules that clearly display the initials of students, and certified educators and aides in all classrooms for all periods throughout the school day. Indicate on the schedule if staff are licensed educators or aides. * A copy of all current instructional grouping waivers, if applicable   **Observation:**   * Classroom observation of approved ratios |
| **10.2 Age Range**  28.06(6)(f, g) | 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).  Prior to exceeding the forty-eight month timeframe, an Alternative Compliance Waiver must be requested and approved by the Department.  **NOTE:** If a program chooses, they may include the dates of birth for each student on the block schedules for criterion 10.1, which would satisfy the documentation requirements for both criteria 10.1 and 10.2. | **Documentation:**   * Block schedules for every classroom and every period indicating the initials of students with corresponding dates of birth * A copy of all current instructional grouping waivers, if applicable |
| **11.1 Personnel Policies and Procedures Manual**  18.05(11); 18.05(11)(c)  (1); 28.09(7); 28.09(11)(a);  M.G.L. c. 71, § 38R; 42 U.S. Code § 16962; ESE Advisory on CORI revised 5/7/07; 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011 | The program shall develop and implement a written personnel policies and procedures manual that describes:   1. Criteria and procedures for hiring. This must include the school’s Criminal Offender Record Information (CORI) policy regarding CORI checks on employees, volunteers, interns and transportation providers whose responsibilities bring them into direct and unmonitored contact with students (upon initial hire and every three years thereafter). [**NOTE:** A residential program licensed by EEC does not need to conduct independent CORI checks where those checks have been done through EEC]; 2. Procedures for Criminal History Record Information (CHRI); 3. Procedures for evaluation of staff; and 4. A statement of equal employment/educational opportunities in regard to race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness. | **Documentation:**   * Applicable sections of Staff Policy and Procedures Manual   **Staff Records Reviews:**   * Staff performance evaluations * Evidence of a completed CORI prior to initial hire and every three years thereafter * Evidence of completed CHRI |
| **11.2 Administrative Responsibility**  18.05(11)(a, b) | The program shall designate one person who will have administrative responsibility over the operation of the program.  The administrator or designee shall be on the premises at all times during school hours while the program is in operation. All staff on duty shall know who is responsible for administration of the program at any given time. | **Documentation:**   * Name of designated administrator and description of how staff are made aware of who has administrative responsibility |
| **11.3 Educational Administrator Qualifications**  28.09(5)(a); 28.09(7)(a);  603 CMR 44.00 | At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned to supervise the provision of special education services in the program and to ensure that the services specified in each student’s IEP are delivered. The educational administrator shall either possess licensure as a special education administrator or possess all of the following:   * 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. | **Documentation:**   * Name of educational administrator(s); and * Copy of licensure as a special education administrator   **or ALL of the following:**   * Copy of ESE license as a special educator; and * Evidence of Master’s Degree in special education or a related field; and * Resume showing a minimum of one year of administrative experience |
| **11.4 Teachers (Special Education Teachers and General Education Teachers)**  18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321 | The program must ensure that all teaching staff have teaching licenses appropriate to meet the needs of the population being served pursuant to the requirements of 603 CMR 7.00 and, additionally, must adhere to the following requirements:   * To the extent that unlicensed staff is providing special education services, such services shall be designed or supervised by a licensed special educator; and * To the extent that general education teachers are providing special education services, they shall do so in coordination with the licensed special education teacher.   The number of special education teachers and the number of general education teachers must correspond with the most recently approved DESE Staffing Plan. | **Documentation:**   * Current Teacher Roster Form * Copies of all teacher licenses or waivers |
| **11.5 Related Services Staff**  28.09(7)(d) | All staff providing or supervising the provision of related services (including medical personnel identified in criterion 16.2 Physician Consultation, 16.3 Nursing, as well as all consultants) shall be appropriately certified, licensed or registered in their professional areas. | **Documentation:**   * Current Related Services Staff Form * Copies of each provider’s license, certification, or registration |
| **11.6 Master Staff Roster**  28.09(7) | The program maintains a master list of ALL staff for every position within the program. The staff positions must correspond to the most recent approved ESE Staffing Plan. This list must include job titles along with their corresponding Uniform Financial Report (UFR) titles, UFR numbers, and full-time equivalents (FTEs). This list may include, but is not limited to:   * Administrators * Special education teachers * General education teachers * Related service providers * Registered Nurses * Direct care workers * Direct care supervisors * Clerical and maintenance staff * Psychologists * Social workers * Program support * Consultants   **NOTE:** In addition, identify any other positions not included in the most recently approved DESE Staffing Plan (e.g., 1:1 paid for by school district or additional positions funded by the agency).  **NOTE:**  Any changes/discrepancies from the last most recently approved DESE Staffing Plan (through approval of Form 1, Extraordinary Relief, Special Circumstances, Program Reconstruction) must be included and documented in the far right column on the Master Staff Roster. | **Documentation:**   * Current Master Staff Roster Form * Copy of most recently approved DESE Staffing Plan |
| **11.10 Supervision of Direct Care Day & Residential Staff**  18.03(4) | Each program shall provide ongoing and regular supervision of all direct care workers by someone who has supervisory and administrative responsibility within the program.  Regularly scheduled conferences must occur between direct care workers and supervisors; and between teachers, direct care workers and other educational personnel. | **Documentation:**   * Staff roster identifying all direct care supervisors including their:   + Names;   + Qualifications;   + Position titles;   + Shift schedule;   + Names of staff they supervise;   + Residence and/or classroom to which they are assigned. * Plan indicating how regularly scheduled conferences will occur between direct care workers and supervisors to review ongoing case logs and to share information relative to the needs of individual students. * Plan indicating how regularly scheduled conferences will occur between teachers, direct care workers and other educational personnel to ensure coordination among all components of an individual student’s program. |
| **11.12 Equal Access**  Mass. Const. amend. Art. 114; M.G.L. c. 76, § 5; 603 CMR 26.00, as amended by chapter 199 of the Acts of 2011; Title VI: 42 U.S.C.  2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C.  1681 and 34 CFR 106; Section 504: 29 U.S.C. 794 and 34 CFR 104; Title II: 42 U.S.C. 12132 and 28 CFR 35.130; ESEA, Part C, § 721 | The program provides all students with equal access to services, facilities, activities, and benefits regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness. | **Documentation:**   * Equal Access policy |
| **12.1 New Staff Orientation and Training**  18.05(11)(g, i); 28.09(7)(f) | The program shall develop and implement a written plan for new staff orientation and training that is consistent with the needs of the student population and includes an orientation and training program which includes the following:   * Program’s philosophy, * Organization, * Program, * Practices, * Goals, * ESE required topics (12.2 a-g), and * Provisions for orientation of interns or volunteers must be made, if applicable. If not applicable, please indicate so.   **NOTE:** New staff may must receive restraint training within one month of hire and shall not use restraint until training has been completed. New staff may not have direct care duties with students until all mandated training topics have been covered. | **Documentation:**   * Copy of written orientation and training program for new staff that covers DESE-required training topics     **Staff Record Reviews:**   * Staff orientation verification |
| **12.2 In-Service Training Plan and Calendar**  18.03(3);  18.03(10);  18.05(9)(e)  (1);  18.05(9)(f)  (3)(c);  18.05(9)(f)  (9)(d);  18.05(9)(i);  18.05(10);  18.05(11)(h);  28.09(7)(f);  28.09(9)(b);  28.09(10);  Title VI: 42 U.S.C. 2000d; 34 CFR 100.3;  EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42;  M.G.L. c. 76, § 5; 603 CMR 26.00 as amended by Chapter 199 of the Acts of 2011; M.G.L. c. 71, §§ 37O (e)(2) | All staff, including new employees, must participate in annual in-service training on average at least two hours per month. Provisions for annual in-service training of interns and volunteers must be made, if applicable. If not applicable, please indicate so.  The following topics are required in-service training topics and must be provided annually to all staff:   1. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission; 2. Student discipline and behavior support procedures; 3. Program’s use of physical restraints; 4. Runaway policy; 5. Emergency procedures including, but not limited to, evacuation drills, emergency drills, utilization of the alarm system and evacuations in instances of fire or natural disaster; 6. Civil rights responsibilities (discrimination and harassment) regarding race, color, sex, gender identity, religion, national origin, sexual orientation, disability and homelessness; 7. Bullying prevention and intervention; 8. Medication administration, if applicable; 9. Discussion of medications students are currently taking and their possible side effects; 10. Transportation safety (for staff with transportation-related job responsibilities); and 11. Student record policies and confidentiality issues.   The following additional topics are required in-service training topics and must be provided annually to all teaching staff:   * How the learning standards of the Massachusetts Curriculum Framework are incorporated into the program’s instruction; and * Procedures for inclusion of all students in Massachusetts Comprehensive Assessment System (MCAS) testing and/or alternate assessments. | **Documentation:**   * Annual detailed in-service training plan. This plan must reflect a minimum of 2 hours a month that shows:   + All training topics provided;   + The name and job title of the person conducting the individual training sessions;   + The audience(s) for each training; and   + The dates and times when the various training topics are scheduled to be offered.   **Staff Record Review:**   * Evidence of attendance at required trainings |
| **13.2 Description of Physical Facility**  18.04; 28.09(8) | Classroom Space:  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.  Other facilities used by students:   * All areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards; and * Approved special education school programs shall provide the facilities, textbooks, equipment, technology, materials, and supplies needed to provide the special education and related services specified on the IEPs of enrolled students. | **Observation:**   * Observations of all physical facilities |
| **13.4 Physical Facility/Architectural Barriers**  18.04(8); Mass/ Const. amend. Art. 114;  Section 504:  29 U.S.C. 794 and 34 CFR 104.21, 104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150 | The program shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All programs receiving federal funds shall meet the requirements of Section 504 of the Rehabilitation Act of 1973.  A program that enrolls students requiring wheelchairs shall have at least one entrance without steps and wide enough for a wheelchair, for each building utilized in carrying out the IEPs for such students.  **If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible.** | **Documentation:**   * Any program which is not accessible must submit the following documentation:   + A plan that details steps to be taken to comply with Section 504 of the Rehabilitation Act of 1973;   + The name of the person responsible for implementation; and   + A timetable for completion of the above plan including periodic written progress reporting to the Department of Elementary and Secondary Education.   **Observation:**   * Observations of physical facilities to ensure 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 IEP’s for such students |
| **15.1 Parental Involvement and Parents’ Advisory Group**  18.05(4)(a) | The program shall have a written plan for involving parents and shall have a Parents’ Advisory Group that shall advise the program on matters that pertain to the education, health, and safety of the students in the program.  The program shall designate a staff person to support the Parents’ Advisory Group. | **Documentation:**   * Copies of schedules. Agendas, and meeting minutes for the two most recently held Parent Advisory Group meetings |
| **15.3 Information to be Translated into Languages Other Than English**  28.07(8); 46.06(3)  M.G.L. c. 76, § 5; 603 CMR 26.02(2);  Title VI; EEOA: 20 U.S.C. 1703(f) | When students have parents or guardians with limited English language skills, the program ensures that important school information is sent to them in a timely manner and provided to them in a language that they understand, either through written translations of documents or through oral interpreters. | **Student Record Reviews:**   * Copies of written translations of documents (consent letters, progress reports, incident reports), as applicable |
| **15.5 Parent Consent and Required Notification**  28.02(4);  18.05(8); 18.05(9)(f)(1); 18.05 (9)(j); M.G.L. c. 71, § 32A | The program shall develop and implement policy and procedures to work with school districts to obtain the following consents:  **Annual Consent:**   * Emergency medical treatment * Medication Administration (when applicable)   **Annual Notification:**   * Behavior Support Policies and Procedures * Bullying Prevention and Intervention Plan   **When applicable:**   * Notification to parents/guardians pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues. | **Student Record Reviews:**   * All required consents and notifications |
| **15.8 Registering Complaints and Grievances –Parents, Students and Employees**  18.05(1)(b)  (16); 603 CMR 26.00, as amended by Chapter 199 of the Acts of 2011;  Title IX: 20 U.S.C. 1681 and 34 CFR 106.8; Section 504: 29 U.S.C. 794 and 34 CFR 104.7; Title II: 42 U.S.C. 12132 and 28 CFR 35.107 | * The approved special education school program shall develop, implement and make available to parents/guardians and, when applicable, students a set of written procedures that may be used to register complaints regarding the student’s education and care at the school that includes specific timelines and the appeals process. * The approved special education school program must adopt and publish grievance procedures for students providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness) that includes specific timelines and the appeals process. * The approved special education school program must adopt and publish grievance procedures foremployees providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness) that include specific timelines and the appeals process. | **Staff Record Reviews:**   * Copies of employee grievances and resolutions, as applicable.   **Student Record Reviews:**   * Copies of student complaints and grievances and resolutions as applicable |
| **16.2 Physician Consultation**  18.05(9)(a)  M.G.L c. 71, §§ 53, 53A, and 53B | The program shall have a licensed physician available for consultation.  **NOTE:** School Physician means a physician appointed by a School Committee or Board of Health in accordance with M.G.L c. 71, §§ 53, 53A, and 53B or, in the case of an approved special education school program, by the Board of Trustees. | **Documentation:**   * Name and address of licensed physician employed or contracted by the program and description of services provided * Copy of physician’s license (uploaded under 11.5) |
| **16.3 Nursing**  18.05(9)(b);  M.G.L. c. 112  M.G.L. c. 71, §§ 53,53A,and 53B | The program shall have a Registered Nurse available depending upon the health care needs of the program’s population. | **Documentation:**   * Name(s) and license number(s) of school nurse(s) (uploaded under 11.5) * Shift schedule and explanation of how nurse’s availability is sufficient for needs of the student population |
| **16.7 Preventive Health Care**  18.05(9)(g)(1); 18.05(9)(g)(4) | The program shall describe in writing a plan for the preventive health care of students:   * The program, in cooperation with the student's parent(s)/guardian(s) and/or human service agency, which is responsible for payment, shall make provision for each student to receive an annual comprehensive dental examination. * The program, in cooperation with the student's parent(s)/guardian(s) and/or human service agency, which is responsible for payment, shall make provision for each student to receive an annual comprehensive medical examination. The program shall require a written report from the physician(s) of the results of the examination and any recommendation and/or modification of the student's activity. * The program shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects, and matches out of the reach of students. Toxic substances must be labeled with contents and antidote. Medications and medical supplies should not be locked in the same cabinet as other toxic substances.   **NOTE**: A newly enrolled student must have a documented physical within one year prior to their entrance to the program or the program must coordinate with the parents/guardians for the student to obtain a physical examination within 30 days of admission. | **Student Record Reviews:**   * Copy of student’s most recent dental exam and annual physical examination(s) |
| **16.11 Student Allergies**  18.05(9)(h) | The program shall develop and implement written policy and procedures for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment. | **Observation:**   * Observation of allergy information for students (i.e. discreetly posted, available in room) and confirmation that staff are aware of any student allergies   **Student Record Reviews:**   * Notations of all individual student allergies and plans for protection, as applicable. |
| **18.1 Confidentiality of Student Records**  23.07(1);  28.09(5)(a); 28.09(10); M.G.L. c. 71, § 34H | Programs shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files consistent with the Massachusetts Student Record Regulations of 603 CMR 23.00 and M.G.L. c. 71, § 34H.   * A log of access shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating:   + the name, position and signature of the person releasing the information;   + the name, position and, if a third party;   + the affiliation if any, of the person who is to receive the information;   + the date of access;   + the parts of the record to which access was obtained; and   + the purpose of such access. | **Documentation:**   * Copy of log of access form   **Student Record Reviews:**   * Log of access (if student record is maintained in multiple locations, each section must have its’ own log of access) |
| **19 Anti-Hazing**  M.G.L. c. 269, §§ 17 through 19 | * The program director of each school program serving secondary school age students issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization; * A copy of the school program's anti-hazing disciplinary policy that has been approved by the program's Board of Directors.   By October 1st of each year, each school program serving secondary school age students files, at least annually, a report with the Department certifying:   * Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19; * Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and * That the hazing policy has been included in the student handbook or other means of communicating school program policies to students. | **Student Record Reviews:**   * Evidence of all secondary school age students’ receipt of anti-hazing disciplinary code |

**Monitoring Criteria for Mid-Cycle Reviews**

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| CRITERION NUMBER, TOPIC, AND LEGAL STANDARD | REQUIREMENTS | SOURCE OF INFORMATION |
| **1.2 Program & Student Descriptions, Program Capacity**  28.09(2)(a)(2);  28.09(2)(b)(2, 3, 7) | A narrative is provided that describes:   1. Identified population of students to be served; 2. Ages of students; 3. Educational characteristics; and 4. Behavioral characteristics.   **NOTE:** Program and Student Description must be consistent with ESE’s most recent approval of the program. | **Documentation:**   * Written narrative addressing these requirements * Face Sheet * Statement of Assurances |
| **2.2 Approvals, Licenses, Certificates of Inspection**  28.09(5)(b); 28.09(6)(b);  7 CFR 210.3 | The program has current licenses, approvals, and certificates of inspection by state and local agencies.   * **Safety Inspection.** The program shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access. * **Fire Inspection**. The program shall obtain a written report of an annual fire inspection from the local fire department. * **Local Board of Health permit** (certificate to be obtained at least twice a year). | **Documentation:**   * Provide copies of current licenses, approvals, and certificates of inspection   **Observation:**   * Posted certificates |
| **2.3 EEC Licensure (Residential Programs only)**  102 CMR 3.00 | The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00). | **Documentation:**   * Provide copy of EEC license   **Observation:**   * Posted license |
| **3.1(d) Evacuation and Emergency Procedures**  18.05(10) | The program shall develop and implement a plan including procedures on emergencies and evacuations that complies with 603 CMR 18.05(10) and include:   1. Two evacuation drills conducted for each shift at each location annually; 2. Helping all students to understand the nature of the drills; 3. Special provisions for the evacuation of any mobility-impaired student in the facility; 4. A written log of each evacuation drill that includes date, time elapsed, participants (students and staff), witnesses, etc.; and 5. Evaluation of effectiveness of evacuation plan.   The program shall develop and implement emergency drills (ex. lock down of building, flood preparedness, gas leak) that includes:   1. The assignment of personnel to specific tasks and responsibilities in emergency situations; 2. Instructions for the use of alarm systems and signals; 3. Systems for notification of appropriate persons; 4. Specification of evacuation routes and procedures; and 5. Evaluation of effectiveness of emergency plan. | **Documentation:**   * Copy of written policies and procedures for evacuations and emergencies from policies and procedures manual. |
| **4.5 Immediate Notification**  18.03(10); 18.05(7);  28.09(12) (a, b) | The program shall develop and implement written policies and procedures on notification of serious incidents within the program to all required parties and identifies the person responsible for making this notification.  Pursuant to applicable regulations and agency policy this school is hereby providing immediate notification to DESE for ANY student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during school hours, **except for the death of a student or an emergency termination, which is for both school and residential hours.**   1. The filing of a 51-A report with Department of Children and Families (DCF) OR a complaint to the Disabled Persons Protection Commission (DPPC) against the school or a school staff member for alleged abuse or neglect of any student; 2. Any action taken by a federal, state or local agency that might jeopardize the school’s approval with DESE (i.e., federal or state investigation; closure of intake); 3. 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; 4. The hospitalization of a student (including out-patient emergency room and urgent care visits) due to physical injury at school or previously unidentified illness, accident or disorder which occurs while the student is in the program; 5. A student run from the program; and 6. Any other incident of serious nature that occurs to a student or staff in the program. (Some examples include: any police involvement, any media involvement, weapons, fire setting, alcohol or drug possession or use while in the program).   **For both school and residential hours:**   1. The death of any student (immediate verbal notification to the student’s parent(s)/guardian(s), responsible public school district, Department of Elementary and Secondary Education, and any other state agency) involved in the education and care of this student. 2. The emergency termination of a student pursuant to 28.09(12)(b).   **NOTE:** All incident reports must be maintained in student records. | **Documentation:**   * Copy of the program’s written procedures for notifying all appropriate parties of serious incidents, including the contact person responsible for providing such notification   **Student Record Reviews:**   * All Form 2 incident reports maintained in student records   **Form 2 Submissions:**   * Check for Form 2 submissions prior to onsite |
| **5.2(a) Contracts**  28.06(3)(f) | There shall be a signed written contract for each enrolled student consistent with the requirements of 603 CMR 28.06(3)(f).  Written contracts: School districts shall enter into written contracts with all out-of-district placements. Each contract must include, but not be limited to, the following terms:   * 1. The out-of-district placement shall comply with all elements of the IEP for the student and shall provide, in writing, to the Administrator of Special Education detailed documentation of such compliance through completion of required student progress reports.   2. The out-of-district placement shall allow the placing school district to monitor and evaluate the education of the student and shall make available, upon request, any records pertaining to the student to authorized school personnel from the school district and the Department in accordance with 603 CMR 23.00: *Student Records.*   3. The out-of-district placementshall allow the placing school district and/or the Department to conduct announced and unannounced site visits and to review all documents relating to the provision of special education services to Massachusetts students at public expense. Access to documents for the placing school district shall include general documents available to the public, documents specifically related to the student placed by such district, and other documents only to the extent they are necessary to verify and evaluate education services provided at public expense.   4. The out-of-district placement shall afford publicly-funded students all the substantive and procedural rights held by eligible students, including but not limited to those specified in 603 CMR 28.09, and shall comply with all other applicable requirements of 603 CMR 28.00 and applicable policy statements and directives issued by the Department.   5. No school district shall contract with any out-of-district placement that discriminates on the grounds of race, color, national origin, disability, age, religion, sex, gender identity, or sexual orientation. | **Student Record Reviews:**   * Verification of contracts |
| **6.1 Daily Instructional Hours/**  **6.4 School Days Per Year**  27.04; 27.05(2); 28.09(9)(a) | The program ensures that each student is scheduled to receive a minimum of the following instructional hours unless otherwise approved by DESE or a student’s IEP provides otherwise:   * Elementary – A total of:   + 10 month program – 900 hours   + 11 month program – 990 hours   + 12 month program – 1080 hours * Secondary – A total of:   + 10 month program – 990 hours   + 11 month program –1089 hours   + 12 month program – 1188 hours   The program ensures that, unless a student’s IEP provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year (including physical education for all students, required by M.G.L. c. 71, § 3), within the required school year schedule. Where the approved special education school program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.  **NOTE**: The program ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02. The program’s structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students); independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit); technology-assisted learning; presentations by persons other than teachers; school-to-work programs; and statewide student performance assessments. The hours spent in any type of structured learning time must be verified by the approved special education school program. Where the 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.  All programs are run for the following minimum number of days (exclusive of weekends, holidays and vacations):   * 10 month program - 180 days * 11 month program - 198 days * 12 month program - 216 days   Before the beginning of each school year, the program sets a school year schedule for each program. This schedule must contain the number of school days per year DESE approved the program to operate and include at least five additional school days to account for unforeseen circumstances (i.e., snowstorms, flood, etc.) | **Documentation:**   * Structured Learning Time Worksheet |
| **8.5 Current IEP & Student Roster**  28.09(5)(a) | The program has on file a current IEP for each publicly funded Massachusetts student that has been issued by the responsible public school district and consented to and dated by the student’s parent(s)/guardian(s) or student, when applicable. | **Documentation:**   * Current IEP and Student Roster Form   **Student Record Reviews:**   * Current IEPs of students |
| **9.7 Terminations**  18.05(7); 28.09(12)(b) | The program develops and implements a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations.  The policy must include the following:   * **Planned Terminations**: The program shall notify the public school district of the need for an IEP review meeting and provides notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date. * **Emergency Terminations**: In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program shall follow the procedures required under 603 CMR 28.09(12)(b) and immediately notify the Department of Elementary and Secondary Education.   The program shall not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student. At the request of the public school district, the program shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination from the special education school program. With the mutual agreement of the program and the public school district, termination of enrollment may be delayed for longer than two calendar weeks. | **Student Record Reviews:**   * Evidence of notice to school districts prior to termination; * Evidence of notification to parents and the Department of the emergency termination; and * Meeting minutes or documentation from the Team meeting regarding termination |
| **11.3 Educational Administrator Qualifications**  28.09(5)(a); 28.09(7)(a);  603 CMR 44.00 | At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned to supervise the provision of special education services in the program and to ensure that the services specified in each student’s IEP are delivered. The educational administrator shall either possess licensure as a special education administrator or possess all of the following:   * 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. | **Documentation:**   * Name of educational administrator(s); and * Copy of licensure as a special education administrator   **or ALL of the following:**   * Copy of ESE license as a special educator; and * Evidence of Master’s Degree in special education or a related field; and * Resume showing a minimum of one year of administrative experience |
| **11.4 Teachers (Special Education Teachers and General Education Teachers)**  18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321 | The program must ensure that all teaching staff have teaching licenses appropriate to meet the needs of the population being served pursuant to the requirements of 603 CMR 7.00 and, additionally, must adhere to the following requirements:   * To the extent that unlicensed staff is providing special education services, such services shall be designed or supervised by a licensed special educator; and * To the extent that general education teachers are providing special education services, they shall do so in coordination with the licensed special education teacher.   The number of special education teachers and the number of general education teachers must correspond with the most recently approved ESE Staffing Plan. | **Documentation:**   * Current Teacher Roster Form * Copies of all teacher licenses or waivers |
| **11.5 Related Services Staff**  28.09(7)(d) | All staff providing or supervising the provision of related services (including medical personnel identified in criterion 16.2 Physician Consultation, 16.3 Nursing, as well as all consultants) shall be appropriately certified, licensed or registered in their professional areas. | **Documentation:**   * Current Related Services Staff Form * Copies of each provider’s license, certification, or registration |
| **11.6 Master Staff Roster**  28.09(7) | The program maintains a master list of ALL staff for every position within the program. The staff positions must correspond to the most recent approved ESE Staffing Plan. This list must include job titles along with their corresponding Uniform Financial Report (UFR) titles, UFR numbers, and full-time equivalents (FTEs). This list may include, but is not limited to:   * Administrators * Special education teachers * General education teachers * Related service providers * Registered Nurses * Direct care workers * Direct care supervisors * Clerical and maintenance staff * Psychologists * Social workers * Program support * Consultants   **NOTE:** In addition, identify any other positions not included in the most recently approved DESE Staffing Plan (e.g., 1:1 paid for by school district or additional positions funded by the agency).  **NOTE:**  Any changes/discrepancies from the last most recently approved DESE Staffing Plan (through approval of Form 1, Extraordinary Relief, Special Circumstances, Program Reconstruction) must be included and documented in the far right column on the Master Staff Roster. | **Documentation:**   * Current Master Staff Roster Form * Copy of most recently approved DESE Staffing Plan |
| **11.10 Supervision of Direct Care Day & Residential Staff**  18.03(4) | Each program shall provide ongoing and regular supervision of all direct care workers by someone who has supervisory and administrative responsibility within the program.  Regularly scheduled conferences must occur between direct care workers and supervisors; and between teachers, direct care workers and other educational personnel. | **Documentation:**   * Staff roster identifying all direct care supervisors including their:   + Names;   + Qualifications;   + Position titles;   + Shift schedule;   + Names of staff they supervise;   + Residence and/or classroom to which they are assigned. * Plan indicating how regularly scheduled conferences will occur between direct care workers and supervisors to review ongoing case logs and to share information relative to the needs of individual students. * Plan indicating how regularly scheduled conferences will occur between teachers, direct care workers and other educational personnel to ensure coordination among all components of an individual student’s program. |

Note: Additional criteria from the program review section may be added to a program’s mid-cycle review if there were findings in that area during the last program review.