

Helix Human Services, Inc.

**Mill Pond Day Program**

Program Review Report

**Week of Onsite Visit: October 21, 2024 Draft Report Issued: November 19, 2024**

**Final Report Issued: November 22, 2024 Corrective Action Plan Due:**

**Department of Elementary and Secondary Education Onsite Team Members: Alaena Podmore, Chairperson**

**Karen Brann, Team Member Christine Romancewicz, Team Member**



Russell D. Johnston, Ph.D. Acting Commissioner

Approval for special education day and residential school programs operating in Massachusetts is contingent upon meeting the requirements of 603 CMR 28.09, “Approval of Public and Private Day and Residential Special Education School Programs,” 603 CMR 18.00, “Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs,” and 603 CMR 46.00 “Prevention of Physical Restraint and Requirements, If Used.” Approval by the Department does not relieve special education day and residential school programs of their obligation to comply with other applicable state or federal statutory or regulatory requirements or with requirements set forth in their contracts with referral sources. The Department may change the approval status at any point during this three-year period if circumstances arise that warrant such a change.

For special education day and residential school programs that do not meet all requirements for Full Approval, the Department may issue a Provisional Approval effective for a period not to exceed 6 months, provided that the Department has determined that the health and safety of the students are protected and the program demonstrates the ability to implement the goals and objectives of each enrolled student’s IEP. During this period, the special education day or residential school program must submit progress reports that addresses the issues that did not meet approval requirements.

For a special education day or residential school programs that substantially meets all requirements evaluated during the review the Department will issue a Full Approval. Full Approval will remain in effect for three school years and will expire on August 31st of the third school year.

Mill Pond Day Program **Provisional Approval** Expires: January 02, 2025

## MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION APPROVED SPECIAL EDUCATION SCHOOL PROGRAM REVIEW REPORT OVERVIEW OF REVIEW PROCEDURES

**INTRODUCTION**

The Massachusetts Department of Elementary and Secondary Education (“Department”) is required under M.G.L. c. 71B, §10 to review special education programs in approved special education schools that serve publicly funded students under the provisions of Board of Elementary and Secondary Education Regulations 603 CMR 18.00, 28.09 and 46.00. Each year, the Department's Office of Approved Special Education Schools (OASES) conducts onsite visits to selected approved special education school programs to verify the implementation of these programs In the Spring of the previous school year, the schools participating in the review cycle were notified of the dates of the onsite visits and were required to conduct a Data Collection before the onsite portion of the review using the Department's Communication Hub and Monitoring Portal (CHAMP).

The statewide six-year Approved Special Education School Program Review cycle together with the Department’s Mid-cycle monitoring schedule is posted on the Department’s

Website at [http://www.doe.mass.edu/oases/ps-cpr/6yrcycle.html.](http://www.doe.mass.edu/oases/ps-cpr/6yrcycle.html)

### Approved Special Education School Program Review Elements

**Criteria:** The Program Review criteria encompass key elements drawn from 603 CMR 18.00, 28.09, 46.00 and the approved special education school program’s application for approval. They also include those required by the federal Office for Special Education Programs (OSEP) and revised requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq. (IDEA-2004) as described in the Department's Special Education Advisories. Through the Desk Review the OASES chairperson examines the Data Collection submission and determines which criteria will be followed up on through onsite verification activities. The Data Collection and Desk Review are both described below.

**Data Collection Phase:** This is a requirement for all agencies being monitored. It is completed for the onsite review and covers all of the Department selected criteria. The agency is responsible for completing the Self- Assessment for each individually approved program being reviewed, which consists of:

 Agency review of policies and procedures,

 Agency review student documentation including a sample of student records,

 Agency review staff documentation including a sample of staff records, if applicable, and  Agency review of facilities, buildings, and grounds.

Upon completion of these portions, the agency submits the Data Collection to the Department for review.

**Desk Review Phase:** The OASES chairperson assigned to each agency reviews the responses by the approved special education school regarding the critical elements for appropriate policies, procedures, and practices, as well as actual documents and data submitted for each criterion. The OASES chairperson also reviews student record data, staff record data, and explanatory comments. The outcome of this review, along with 3-year trend data from the Problem Resolution System, restraint reports, restraint injuries, serious incidents and notification or prior approval from the Department through its notification system is used to determine the scope and nature of the onsite activities.

**Onsite Verification Phase:**

This includes activities selected from the following:

 Interviews with administrative, instructional, and other staff consistent with those criteria selected for verification.  Telephone interviews as requested by parents, guardians or members of the general public.

 Review of student records and staff records: The Department selects a sample of student and staff records from those the agency reviewed as part of its data collection to verify the accuracy of the data. The Department also conducts an independent review of a sample of student and staff records that reflect activities conducted since the beginning of the school year. The Department monitoring team will conduct this review using standard Department procedures to determine whether procedural and programmatic requirements have been implemented.

 Observation of classrooms and other facilities: The team observes a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

**Team:** Depending upon the scope of follow-up activities that have been identified based on the Department’s Desk Review of the agency’s Data Collection, a two-to-three-member Department team will conduct a two-to-five-day Program Review.

**Final Report:** A Final Report is then issued via the CHAMP. The Final Report includes findings organized under 4 specified compliance areas. The findings explain the “ratings,” or determinations by the Department about the implementation status of the compliance criteria reviewed within each of these areas. The ratings indicate those criteria that were found by the OASES monitoring team to be “Implemented,” “Implementation in Progress,” “Partially Implemented,” or “Not Implemented.”

**Response:** The approved special education school program must propose to the Department corrective action to bring into compliance with the required statute or regulation in each area found to be not fully “Implemented”. In some instances, the team may have found certain requirements to be fully “Implemented” but made a specific comment on the school program’s implementation methods that also may require response from the approved special education school program. **Under federal Special Education State Performance Plan requirements pursuant to IDEA-2004, public and approved special education school programs serving disabled students must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department’s Final Program Review Report.**

## REPORT INTRODUCTION

A three-member team conducted a visit to Helix Human Services, Inc. during the week of October 21, 2024 to evaluate the implementation of selected compliance criteria under the Massachusetts Board of Elementary and Secondary Education Regulations 603 CMR 18.00 (Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs) and 603 CMR 28.09 (Approval of Public or Private Day and Residential Special Education School Programs), 603 CMR 46.00 (Prevention of Physical Restraint and Requirements If Used), M.G.L c. 71B, the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq, as amended in 2004 (IDEA--2004), and civil rights provisions that are pertinent to Approved Special Education School Programs. The team appreciated the opportunity to interview staff, to observe classroom facilities, and to review the program efforts underway.

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

 Interviews of 2 leadership staff;

 Interviews of 2 related services staff;  Interviews of 3 teaching staff; and

 Interviews of 3 direct care staff.

 Student record review: A sample of 8 Massachusetts student records was selected by the Department. Student records were first examined by the school program’s staff and then verified by the OASES monitoring team using standard Department student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements. An additional number of randomly selected student records were also reviewed by the OASES monitoring team to ensure determinations regarding the implementation of procedural and programmatic requirements remain in effect.

 Staff record review: A sample of 9 staff records was selected by the Department. Staff records were first examined by the school program’s staff and then verified by the OASES monitoring team using standard Department staff record review procedures to make determinations regarding the implementation of procedural and programmatic requirements. An additional number of randomly selected staff records were also reviewed by the OASES monitoring team staff to ensure determinations regarding the implementation of procedural and programmatic requirements remain in effect.

 Observation of classrooms and other facilities: A sample of instructional classrooms and other facilities used in the delivery of programs and services was observed to determine general levels of compliance with program requirements.

**1. Summary of Compliance Criteria Included In This Report Requiring Corrective Action Plan Development In Response to the Following Program Review Report Findings**

**Implemented**

 The requirement is totally or substantially met

**Implemented Response Required**

 The requirement is met, but the Agency is required to provide additional information.

**Implementation in Progress**

 This rating is used for criteria containing new or updated legal requirements and means that the agency has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

**Partially Implemented**

 The requirement, in one or several important aspects, is not entirely met.

**Not Implemented**

 The requirement is totally or substantially not met.

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| **Policies & Procedures** | | | | | |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **1.2 Program & Student Descriptions, Program Capacity** | All |  |  |  |  |
| **3.1(d) Evacuation and Emergency Procedures** | All |  |  |  |  |
| **4.4 Advance Notice of Proposed Program/Facility Change** | All |  |  |  |  |
| **4.5 Immediate Notification** |  |  |  | Mill Pond Day Program |  |
| **6.1 Daily Instructional Hours/6.4 School Days Per Year** |  |  |  | Mill Pond Day Program |  |
| **8.4 Program Modifications and Support Services for English** | All |  |  |  |  |
| **9.1(a) Student Separation Resulting from Behavior Support** |  |  |  | Mill Pond Day Program |  |
| **9.7 Terminations** | All |  |  |  |  |
| **11.1 Staff Policies and Procedures Manual** | All |  |  |  |  |
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| **11.11 Supervision of Students** |  |  |  | Mill Pond Day Program |  |
| **11.12 Equal Access** | All |  |  |  |  |
| **12.1 New Staff Orientation and Training** | All |  |  |  |  |
| **12.2 In-Service Training Plan and Calendar** |  |  |  | Mill Pond Day Program |  |
| **15.1 Parental Involvement and Parents' Advisory Group** | All |  |  |  |  |
| **15.5 Parent Consent and Required Notification** | All |  |  |  |  |
| **15.8 Registering Complaints and Grievances-Parents, Students and Employees** | All |  |  |  |  |

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| **Staff Documentation** | | | | | |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **10.1 Staffing for Instructional Groupings** | All |  |  |  |  |
| **11.2**  **Administrative Responsibility** | All |  |  |  |  |
| **11.3 Educational Administrator Qualifications** | All |  |  |  |  |
| **11.4 Teachers (Special Education Teachers and General Education Teachers)** |  |  |  | Mill Pond Day Program |  |
| **11.5 Related Services Staff** | All |  |  |  |  |
| **11.6 Staff Roster** | All |  |  |  |  |

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| **Student Documentation** | | | | | |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **5.2(a) Contracts** | All |  |  |  |  |
| **8.5 Current IEP & Student Roster** |  |  |  | Mill Pond Day Program |  |
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| **8.8 IEP - Progress Reports** |  |  |  | Mill Pond Day Program |  |
| \* **9.4 Physical Restraint** |  |  |  | Mill Pond Day Program |  |
| **10.2 Age Range** | All |  |  |  |  |
| **15.3 Information to be Translated into Languages Other Than English** | All |  |  |  |  |
| **16.7 Preventive Health Care** | All |  |  |  |  |
| **16.11 Student Allergies** | All |  |  |  |  |
| **18.1**  **Confidentiality of Student Records** | All |  |  |  |  |
| **19 Anti-Hazing** | All |  |  |  |  |

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| **Buildings/Facilities** | | | | | |
| **Criteria** | **Implemented** | **Implemented Response Required** | **Implementation In Progress** | **Partially Implemented** | **Not Implemented** |
| **2.2 Approvals, Licenses, Certificates of Inspection** | All |  |  |  |  |
| **4.2 Public Information and Postings** | All |  |  |  |  |

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

### Policies & Procedures

**4.5 Immediate Notification**

**Requirements**

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. The hospitalization of a student (including out-patient emergency room and urgent care visits) due to physical injury at school or PREVIOUSLY UNKNOWN illness, accident or disorder which occurs while the student is in the program;
3. A student run from the program; and
4. Any other incident of serious nature that involves a student. (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. **Legal Standards**

[18.03(10)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03); [18.05(7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05); [28.09(12) (a, b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | Documentation, record reviews and interviews indicate that although the program has developed written policies and procedures on notification of serious incidents within the program, they do not follow their immediate notification procedures. |

* 1. **Daily Instructional Hours/6.4 School Days Per Year**

**Requirements**

The program ensures that each student is scheduled to receive an average 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 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.

**Legal Standards**

603 CMR 27.04; 603 CMR 27.05(2); 28.09(9)(a)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | The program did not ensure that each student is scheduled to receive an average minimum of required instructional hours unless otherwise approved by DESE or a student’s IEP provides otherwise. |

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

**Requirements**

If implementation of the program’s behavior support policy and procedures result in a student separating from planned instruction or program activities, it shall include:

1. A requirement that students shall be continuously observed by a staff member and staff shall be with the student or immediately available to the student at all times.
2. A procedure for obtaining administrator approval of time-out for more than 30 minutes based upon the individual student’s continuing agitation; and
3. A requirement that time out shall cease as soon as the student has calmed.
4. A description of how students are monitored.
5. Reasons students would need to be separated from the planned instruction or educational activities.
6. Description of the procedures staff follow when a student needs to be separated from the classroom or educational activities within the classroom.
7. A description of all time-out spaces.
   1. Guidelines for staff in the utilization of such an area,
   2. Time out rooms shall not be locked, and
   3. Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.
8. The procedure for obtaining approval required for separations of more than 30 minutes.
9. How the end of the student separation is determined.
10. How the program documents student separation.

NOTE: Documentation related to criterion 9.1(a) must be maintained in student records.

**Legal Standards**

[18.05(5)(i)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05); [18.05(6, 7)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05); [46.02(5)(b)](https://www.doe.mass.edu/lawsregs/603cmr46.html?section=02)

# [46.02(5)(b)](https://www.doe.mass.edu/lawsregs/603cmr46.html?section=02)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | Documentation, record reviews, and interviews indicate that although the program has developed written policies and procedures on behavior support which result in a student separating from planned instruction or program activities, they do not consistently follow their policy and procedures. |

**Requirements**

The program shall develop and implement a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any program-related activity on and off school grounds.

**Legal Standards**

[18.03(1)(a)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03)

**Confirmed Findings**

**11.11 Supervision of Students**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | Although the program has developed and implemented a detailed plan that describes how appropriate supervision is provided to students while they are engaged in any program-related activity on and off school ground, while onsite, several students were observed to be unsupervised both within the school and outside the school building on the school grounds. |

**12.2 In-Service Training Plan and Calendar**

**Requirements**

All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.

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 Evacuation Drills and 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:

1. How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction and
2. Procedures for inclusion of all students in MCAS testing and/or alternate assessments.

**Legal Standards**

[28.09(7)(f)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [28.09(9)(b)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [28.09(10);](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

[18.03(3)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=03); [18.05(9)(e)(1)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05); [18.05(10);](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05) [18.05(11)(h)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05)

[Title VI: 42 U.S.C. 2000d](https://www.hhs.gov/civil-rights/for-individuals/special-topics/needy-families/civil-rights-requirements/index.html#%3A~%3Atext%3DTitle%20VI%20of%20the%20Civil%20Rights%20Act%20of%201964%2C%2042%2Cor%20other%20Federal%20financial%20assistance); [34 CFR 100.3](https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr100.html#S3); [EEOA: 20 U.S.C. 1703(f)](https://www.govinfo.gov/app/details/USCODE-2015-title20/USCODE-2015-title20-chap39-subchapI-part2-sec1703); [Title IX: 20 U.S.C. 1681](https://www.govinfo.gov/content/pkg/USCODE-2019-title20/html/USCODE-2019-title20-chap38-sec1681.htm); [34 CFR 106.31-106.42](https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html); [M.G.L. c. 76, § 5](https://malegislature.gov/laws/generallaws/parti/titlexii/chapter76/section5); [603 CMR](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=05) [26.00](https://www.doe.mass.edu/lawsregs/603cmr26.html?section=05)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | While staff interviews indicated that all staff completed all mandated new hire and annual DESE trainings, a review of staff records indicated that documentation was not consistently evident to show that all staff received all of the DESE mandated annual trainings as required. |

### Staff Documentation

**11.4 Teachers (Special Education Teachers and General Education Teachers)**

**Requirements**

The program must ensure that all teaching staff have teaching licenses and endorsements (where required) 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:

1. All teaching staff shall be re-licensed pursuant to the requirements of 603 CMR 44.00 including obtaining supervisor approval of Professional Development Plans pursuant to 603 CMR 44.04, if applicable.
2. To the extent that unlicensed teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.
3. To the extent that general education teachers are providing special education services, they shall do so in coordination with the special education teacher.
4. A program’s teacher who has knowledge about the education and learning progress of the student must be in attendance at the IEP meeting for the student.

The number of special education teachers and, if applicable, general education teachers must correspond with the Full Time Equivalents (FTEs) on the proposed program budget as well as the proposed Staff Roster.

**Legal Standards**

[18.05(11)(f)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05); [28.09(2)(b)(6)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [28.09(5)(a)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [28.09(7)(b, c)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09); [34 CFR 300.321](https://sites.ed.gov/idea/regs/b/d/300.321/a)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | A review of documentation and interviews indicated that not all teachers were appropriately licensed or granted an appropriate waiver for the current school year. |

### Student Documentation

**Requirements**

The program has on file a current IEP for each enrolled Massachusetts student that has been issued by the responsible public-school district and consented to and dated by the student’s parent(s) (or student, when applicable).

**Legal Standards**

[28.09(5)(a)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=09)

**Confirmed Findings**

**8.5 Current IEP & Student Roster**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | Documentation and record review indicates that the program does not have on file a current IEP for each enrolled Massachusetts student that has been issued by the responsible public-school district and consented to and dated by the student’s parent(s) (or student, when applicable). |

**8.8 IEP - Progress Reports**

**Requirements**

Progress Reports and Content

1. Parents receive reports on the student’s progress towards reaching the goals set in the IEP;
2. Progress Report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP;
3. The program shall send copies of progress reports to the parents/guardians, public school districts and state agencies, if applicable; and
4. Progress reports must reflect the IEP most recently issued by the responsible school district and consented to by the parent/student/guardian.

**NOTE**: Progress Report must contain a description of:

How the child's progress toward meeting the annual goals will be measured; and

When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.

**NOTE**: Copies of all progress reports shall be maintained in student records, including documentation of all persons receiving such reports.

**Legal Standards**

[28.07(3)](https://www.doe.mass.edu/lawsregs/603cmr28.html?section=07); [34 CFR 300.320(a)(3)(i, ii)](https://sites.ed.gov/idea/regs/b/d/300.320/a/3)

**Confirmed Findings**

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| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | A review of student records indicated the recipients of IEP Progress Reports are not documented consistently, therefore, the Department was not able to verify that they are being sent to sending school districts and parents/guardians. |

**Requirements**

**9.4 Physical Restraint**

The program shall have a written policy on the use of physical restraints and administer physical restraints in accordance with the requirements of 603 CMR 46.00.

The program administers physical restraint only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.

Physical restraint policies and procedures must include the following:

1. Methods for engaging parents and students in discussions about restraint prevention and use;
2. A description and explanation of the method of physical restraint used by the program in an emergency situation;
3. A statement prohibiting seclusion, medication restraint, mechanical restraint and prone restraint unless permitted under 603 CMR 46.03(1)(b);
4. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate;
5. A description of the program’s procedure for conducting periodic review of data and documentation on the program’s use of restraint;
6. A description of the program’s training requirements for all staff;
7. A description of the intensive training for staff who serve as restraint resources for the program;
8. Reporting requirements and follow-up procedures for reports to parents/guardians and to the Department;
9. A procedure for receiving and investigating complaints regarding restraint practices; and
10. The director or his/her designee shall maintain an on-going record of all instances of physical restraint, which shall be made available for review by the Department upon request.

**NOTE**: A residential educational program must comply with DESE restraint requirements under 603 CMR 46.00 during school hours and the EEC restraint requirements contained in 102 CMR 3.00 during residential hours.

**NOTE**: A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.

**NOTE**: Physical restraint training must be provided to all program staff within the first month of the school year regarding restraint prevention and the requirements when restraint is used; AND

For employees hired after the school year begins, physical restraint training must be provided and completed within one month of the date of hire of the employee.

**Legal Standards**

# [18.05(5)](https://www.doe.mass.edu/lawsregs/603cmr18.html?section=05); [603 CMR 46.00](https://www.doe.mass.edu/lawsregs/603cmr46.html)

**Confirmed Findings**

|  |  |  |  |
| --- | --- | --- | --- |
| **Applies To** | **Rating** | **Response Required** | **Finding Description** |
| Mill Pond Day Program | Partially Implemented | Yes | Although the program has a written policy on the use of physical restraints, on two separate occasions, observations demonstrated that not all physical restraints are completed in accordance with the requirements of 603 CMR 46.00. |