



Cape Cod Collaborative

COLLABORATIVE PROGRAM REVIEW REPORT OF FINDINGS

Dates of Visit: January 19-20, 2021
Date of Draft Report: March 16, 2021
Date of Final Report: April 13, 2021

Department of Elementary and Secondary Education

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COLLABORATIVE PROGRAM REVIEW REPORT**

Cape Cod Collaborative

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COLLABORATIVE PROGRAM REVIEW REPORT
Cape Cod Collaborative**

SCOPE OF COLLABORATIVE PROGRAM REVIEWS

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. The schools scheduled for program reviews for the 2019-2020 review cycle were notified in February 2019. However, due to the novel coronavirus, COVID-19, Massachusetts declared a state of emergency that ceased Department monitoring activities from March 16, 2020 to the end of the 2019-2020 school year. Schools who were scheduled to have their onsite visits between March 16, 2020 and the end of the 2019-2020 school year were notified in November 2020 that program review monitoring activities would begin virtually in January 2021. Schools scheduled to be reviewed in the 2020-2021 school year were scheduled to be monitored between February and July of 2021. All schools from the 2019-2020 and 2020-2021 school years were required to conduct a Self-Assessment using the Department's web-based monitoring system (WBMS).

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 web site at <http://www.doe.mass.edu/oases/ps-cpr/6yrcycle.html>.

The Office of Approved Special Education Schools of the Massachusetts Department of Elementary and Secondary Education oversees compliance with education requirements through its Collaborative Program Review System (PR), private special education school program reviews, as well as reviews of certain Special Education in Institutional Schools Settings programs. The collaborative reviews cover selected requirements in the following areas:

Special Education (CSE)

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 27, 2018.

Civil Rights Methods of Administration and Other General Education Requirements (CCR)

- selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5, as amended by Chapter 199 of the Acts of 2011, and M.G.L. c. 269 §§ 17 through 19.
- selected requirements from the Massachusetts Board of Education's Physical Restraint regulations (603 CMR 46.00).

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- selected requirements from the Massachusetts Board of Education’s Student Learning Time regulations (603 CMR 27.00).
- selected requirements governing bullying prevention and intervention under M.G.L. c. 71 § 37H, as amended by Chapter 92 of the Acts of 2010, and as amended by sections 72-74 of the Acts of 2013; M.G.L. c. 71, §37O.
- various requirements under other federal and state laws.

Approved Public Day Program Standards (APD) (where applicable)

- selected requirements from the Massachusetts Board of Elementary and Secondary Education Special Education regulations from 603 CMR 28.09.
- selected requirements from the Massachusetts Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs 603 CMR 18.00

COLLABORATIVE PROGRAM REVIEW ELEMENTS

Team: Depending upon the size of and the number of programs to be reviewed, a team of two or more Department staff members, conducts a Collaborative Program Review.

Timing: Each collaborative is scheduled to receive a Collaborative Program Review every six years and a mid-cycle follow-up visit three years after the Collaborative Program Review.

Criteria: The criteria OASES uses for monitoring the collaborative programs are included in the Collaborative Information Package, along with citations to state and federal statutes and regulations. These criteria cover selected areas of special education and civil rights necessary to determine that special education and civil rights are being provided in accordance with applicable state and federal laws and/or regulations.

Methods: Methods used in reviewing programs include (conducted virtually during the Covid-19 state of emergency):

- Review of documentation about the operation of the collaborative programs.
- Interviews of administrative, instructional, and support staff across all selected programs and grade levels.
- Interviews of parent advisory council (PAC) representatives (if the collaborative has a PAC) and other interviews as requested by other parents or members of the general public.
- Review of student records for special education. The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.

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

Report: Preparation:

At the end of the virtual onsite visit, the onsite team will hold an informal exit meeting to summarize its preliminary impressions for the collaborative director and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson will forward to the collaborative director a Draft Report containing comments from the Program Review. The collaborative will then have 10 business days to review the report for factual accuracy before the publication of a Final Report. The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and will be posted on the Department's website at <https://www.doe.mass.edu/oases/crs/default.html>.

Content:

The Final Report will include the following:

Ratings. The onsite team gives a rating for each compliance criterion it reviews; those ratings are "Implemented," "Implementation in Progress," "Partially Implemented," "Not Implemented," and "Not Applicable."

Findings. The onsite team includes a finding for each criterion that it rates "Commendable," "Partially Implemented," "Implementation in Progress," or "Not Implemented," explaining the basis for the rating. It may also include findings for other criteria.

Response: Where criteria are found "Partially Implemented," "Implementation in Progress," or "Not Implemented," the collaborative must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department's review and approval.

As the collaborative implements the approved corrective action, Department staff will provide ongoing technical assistance.

The Department believes that the Collaborative Program Review is a positive experience and that the Final Report is helpful in planning for the continued improvement of programs and services in each educational collaborative.

Collaborative agencies 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.

MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION COLLABORATIVE PROGRAM REVIEW REPORT

INTRODUCTION TO THE FINAL REPORT

During the week of January 19, 2021 a two member Massachusetts Department of Elementary and Secondary Education team conducted a virtual onsite visit to Cape Cod Collaborative to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, and where applicable, requirements related to Approved Public Day Programs. The team visited the STAR Program, and Waypoint Academy, Approved Public Day Programs. The team appreciated the opportunity to interview staff and to observe classroom facilities and to review the programs underway in the collaborative.

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

- Interviews of five administrative staff.
- Interviews of ten teaching and support services staff across all levels.
- Student record reviews: Samples of thirteen special education student records. These student records were first examined by local staff, whose findings were then verified by the onsite team using standard Department record review procedures.
- Virtual observation of classrooms and other facilities. A sample of five instructional classrooms and other school facilities used in the delivery of programs and services was visited to examine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under three components: Special Education Legal Standards, Civil Rights: Methods of Administration and Other Related General Education Requirements, and Approved Public Day Program Standards.

The findings in each area explain the “ratings,” determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially “Implemented”. (Refer to the “Definition of Compliance Ratings” section of the report.) Where criteria were found to be either "Partially Implemented," "Implementation in Progress," or "Not Implemented," the collaborative must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. The collaborative is expected to incorporate the corrective action into their professional development plans.

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COLLABORATIVE PROGRAM REVIEW REPORT**

Cape Cod Collaborative

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	IMPLEMENTATION IN PROGRESS
Special Education	None		
Civil Rights and Other General Education Requirements	None		
Approved Public Day School Standards	None		

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

DEFINITION OF COMPLIANCE RATINGS

Implemented	The requirement is substantially met in all important aspects.
Implementation in Progress	This rating is used for criteria containing new or updated legal requirements and means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.
Partially Implemented	The requirement, in one or several important aspects, is not entirely met.
Not Implemented	The requirement is totally or substantially not met.
Not Applicable	The requirement does not apply to the collaborative.

SPECIAL EDUCATION

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

CRITERION NUMBER			
	Legal Standard		
CSE 13 and APD 8.8 – IEP Progress Reports (where applicable)	<p>Progress reports and content</p> <ol style="list-style-type: none"> 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year. 3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the collaborative provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals. 4. Copies of progress reports shall be maintained in student records, including documentation of persons or agencies receiving such reports. <p>State Requirements 603 CMR 28.07(3)</p> <p>Federal Requirements 34 CFR 300.305(e)(3); 300.320(a)(3)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	STUDENT IDENTIFICATION AND PROGRAM PLACEMENT		
	Legal Standard		
CSE 22 and APD 8.5 – Current IEP and Student Roster (where applicable)	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the collaborative provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the collaborative has 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 the student, when applicable). 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for 		

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CRITERION NUMBER	STUDENT IDENTIFICATION AND PROGRAM PLACEMENT		
	Legal Standard		
	<p>the student under it.</p> <p>4. The collaborative does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs the responsible school district and parents in writing of any delayed services, reasons for delay, actions that the collaborative is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the responsible school district and parents, the collaborative implements alternative methods immediately until the lack of space or personnel issues are resolved.</p>		
	<p>State Requirements 603 CMR 28.05(7)(b); 28.06(2)(d)(2)</p>	<p>Federal Requirements 34 CFR 300.323</p>	
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	PARENT AND COMMUNITY INVOLVEMENT		
	Legal Standard		
CSE 29	<p>Communications are in English and primary language of home</p> <p>1. Communications with parents are in clear and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented.</p> <p>2. If the collaborative provides notices orally or in some other mode of communication that is not written language, the collaborative keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) of the steps taken to ensure that the parent understands the content of the notice.</p>		
	<p>State Requirements</p>	<p>Federal Requirements</p>	

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CRITERION NUMBER	PARENT AND COMMUNITY INVOLVEMENT		
	Legal Standard		
	603 CMR 28.07(8)	34 CFR 300.322(e); 300.503(c)	
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	CURRICULUM AND INSTRUCTION		
	Legal Standard		
CSE 35	<p>Assistive technology: specialized materials and equipment <i>Assistive technology device</i> means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.</p> <p><i>Assistive technology service</i> means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:</p> <ol style="list-style-type: none"> 1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment; 2. In collaboration with the public school district and as determined by each individual IEP, purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities; 3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; 4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; 5. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and 6. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student. <p>In developing each student's IEP, the IEP Team must consider whether the student needs assistive technology devices and services. Each public agency must ensure that</p>		

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CRITERION NUMBER	CURRICULUM AND INSTRUCTION				
	Legal Standard				
	<p>assistive technology devices and services are made available to a student with a disability if required as a part of the student's special education, related services, and/or supplementary aids and services.</p> <ul style="list-style-type: none"> • If the team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should conduct the assessment with the student and family being included in the evaluation process. • In instances when assistive technology devices and/or services are determined as required, the Team must further determine and document which settings (classroom, home or other) in which the student needs access to those devices and services in order to assure provision of FAPE. <p>The IEP Team must also consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements 603 CMR 28.04(2); Technical Assistance Advisory SPED 2018-3 Addressing the Communication Needs of Students with Disabilities through Augmentative and Alternative Communication (AAC)</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements 34 CFR 300.5; 300.6; 300.105; 300.324(a)(2)(v)</p> </td> </tr> </table>			<p>State Requirements 603 CMR 28.04(2); Technical Assistance Advisory SPED 2018-3 Addressing the Communication Needs of Students with Disabilities through Augmentative and Alternative Communication (AAC)</p>	<p>Federal Requirements 34 CFR 300.5; 300.6; 300.105; 300.324(a)(2)(v)</p>
<p>State Requirements 603 CMR 28.04(2); Technical Assistance Advisory SPED 2018-3 Addressing the Communication Needs of Students with Disabilities through Augmentative and Alternative Communication (AAC)</p>	<p>Federal Requirements 34 CFR 300.5; 300.6; 300.105; 300.324(a)(2)(v)</p>				
	Rating: Implemented	Response Required:	No		

CRITERION NUMBER			
	Legal Standard		
CSE 41	<p>Age span requirements The ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the Commissioner of Elementary and Secondary Education in cases where the collaborative believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education.</p> <p>State Requirements 603 CMR 28.06(6)(f)</p> <p style="text-align: right;">Federal Requirements</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	STUDENT SUPPORT SERVICES		
	Legal Standard		
CSE 44	<p>Procedure for recording suspensions The collaborative has a procedure to record the number and duration of suspensions from any part of the student's program, including suspensions from special transportation prescribed by the IEP.</p> <p>State Requirements</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.530; IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CSE 49	<p>Related services For each student with special education needs found to require related services the collaborative provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:</p> <ol style="list-style-type: none"> 1. speech-language pathology and audiology services 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recreation 6. early identification and assessment of disabilities in children, by notification to the responsible public school district 7. counseling services, including rehabilitation counseling 8. orientation and mobility services (peripatology) 9. medical services for diagnostic or evaluation purposes 10. school health services, including school nurse services 11. social work services 12. parent counseling and training, and 13. interpreting services. <p>State Requirements 603 CMR 28.02(18)</p> <p>Federal Requirements) 34 CFR 300.34; 300.323(c)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
CSE 51	<p>Appropriate special education teacher licensure Individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.</p>		

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CRITERION NUMBER	FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	State Requirements M.G.L. c. 71, § 38G and § 89(qq); 603 CMR 1.07; 7.00; 28.02(3)	Federal Requirements 34 CFR 300.156	
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CSE 52	Appropriate certifications/licenses or other credentials -- related service providers Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special education classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.		
	State Requirements 603 CMR 28.02(3),(18)	Federal Requirements 34 CFR 300.34; 300.156(b)	
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CSE 52A	Registration of educational interpreters Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.		
	State Requirements	Federal Requirements	

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CRITERION NUMBER			
	Legal Standard		
	603 CMR 28.02(3),(18)	34 CFR 300.34; 300.156(b)	
	<i>See the Memorandum on New Requirements for Registration of Sign Language Interpreters Who Work in Educational Settings at http://www.doe.mass.edu/news/news.aspx?id=3416.</i>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CSE 53	Use of paraprofessionals 1. Reserved. 2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision.		
	State Requirements	Federal Requirements 34 CFR 300.156	
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CSE 54	Professional development 1. The collaborative considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.		

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CRITERION NUMBER			
	Legal Standard		
	<p>2. The collaborative ensures that all staff, including both special education and general education staff, are trained on:</p> <ul style="list-style-type: none"> a. state and federal special education requirements and related local special education policies and procedures; b. (if applicable, when collaborative students may be able to be placed in general education classrooms) analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles; c. (if applicable, when collaborative students are placed in general education classroom(s)) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom; <p>3. If the collaborative provides transportation, then the collaborative provides in-service training for all locally hired <u>and</u> contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.</p> <p>State Requirements M.G.L. c. 71, §§ 38G , 38Q and 38Q ½; 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)</p> <p style="text-align: right;">Federal Requirements</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	SCHOOL FACILITIES				
	Legal Standard				
CSE 55 and APD 13.4 – Physical Facility / Architectural Barriers (where applicable)	<p>Special education facilities and classrooms The collaborative program is located in facilities and classrooms that:</p> <ol style="list-style-type: none"> 1. maximize the inclusion of such students into the life of the school; 2. provide accessibility, free from barriers to mobility, to those areas of the buildings and grounds to which such access is necessary in order to implement fully each student's IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms in the buildings in which they are located; 4. are given the same priority any as general education programs in the allocation of instructional and other space in the public school building in which they are located in order to minimize the separation or stigmatization of eligible students; and 5. are not identified by signs or other means that stigmatize such students. <p>Collaborative approved public day programs must meet the following requirements:</p> <ul style="list-style-type: none"> • If the program which enrolls students requiring wheelchairs shall have at least one entrance without steps and wide enough for a wheelchair, for each building utilized in carrying out the IEPs for such students. • If any part of the program is not accessible to students with limited physical mobility, a plan and timetable shall be provided that describes how the program will make all programs and appropriate buildings accessible. <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>State Requirements 603 CMR 28.03(1)(b) Mass. Const. Amend. Art. 114</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Federal Requirements Section 504 of the Rehabilitation Act of 1973; Title II: 42 U.S.C. 12132; 28 C.F.R. 35.149, 35.150</p> </td> </tr> </table>			<p>State Requirements 603 CMR 28.03(1)(b) Mass. Const. Amend. Art. 114</p>	<p>Federal Requirements Section 504 of the Rehabilitation Act of 1973; Title II: 42 U.S.C. 12132; 28 C.F.R. 35.149, 35.150</p>
<p>State Requirements 603 CMR 28.03(1)(b) Mass. Const. Amend. Art. 114</p>	<p>Federal Requirements Section 504 of the Rehabilitation Act of 1973; Title II: 42 U.S.C. 12132; 28 C.F.R. 35.149, 35.150</p>				
	Rating: Implemented	Response Required:	No		

**CIVIL RIGHTS
METHODS OF ADMINISTRATION
AND
OTHER RELATED GENERAL EDUCATION
REQUIREMENTS**

**LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

CRITERION NUMBER			
	Legal Standard		
CCR 6	<p>Availability of in-school programs for pregnant students</p> <ol style="list-style-type: none"> 1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave. 2. The collaborative does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician. <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS PARENTAL INVOLVEMENT		
	Legal Standard		
CCR 7	<p>Information to be translated into languages other than English</p> <ol style="list-style-type: none"> 1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills. The collaborative has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages. 2. Recruitment and promotional materials being disseminated to residents in the area served by the collaborative are translated into the major languages spoken by residents with limited English skills. 3. Information in notices, such as activities, responsibilities, and academic standards, provided to all students is provided to English Learners in a language and mode of communication that they understand. 4. Information provided to students about extracurricular activities and school events is provided to English Learners and to their parents/guardians in a language they understand. <p>Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, § 5; 603 CMR 26.02(2); 603 CMR 26.03</p> <p>Implementation Guidance: In order to be able to fulfill the requirements of part 1, the collaborative must have (and use) a system for determining which parents/guardians have limited English skills and so need translations or interpreters.</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	CURRICULUM AND INSTRUCTION		
	Legal Standard		
<p>CCR 7A</p> <p>Some elements are related to APD 6.1 – Daily Instructional Hours (if applicable)</p>	<p>School year schedules</p> <ol style="list-style-type: none"> 1. Before the beginning of each school year, the collaborative sets a school year schedule for each program. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary program in the collaborative, and these programs are in operation for at least 180 days a year for these students. 2. The collaborative ensures that unless his or her IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the collaborative operates separate middle school programs, it designates each one as either elementary or secondary. 3. Where the collaborative sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the collaborative schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students. <p>For approved public day programs: The program ensures that each student is scheduled to receive an average minimum of the following instructional hours, unless otherwise approved by ESE or the student’s IEP or Section 504 Accommodation Plan provides otherwise:</p> <p>Elementary:</p> <ul style="list-style-type: none"> • 10 month program - 900 hours • 11 month program - 990 hours • 12 month program - 1080 hours <p>Secondary:</p> <ul style="list-style-type: none"> • 10 month program - 990 hours • 11 month program - 1089 hours • 12 month program - 1188 hours <p>M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER				
	Legal Standard			
CCR 7B Some elements are related to APD 6.1 – Daily Instructional Hours (if applicable)	Structured learning time <ol style="list-style-type: none"> 1. The collaborative 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 (including physical education, required by M.G.L. c. 71, § 3). The collaborative'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. 2. The collaborative ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP. 3. The hours spent in any type of structured learning time are verified by the collaborative. Where the collaborative counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified. <p>M.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 25%;">Response Required:</td> <td style="width: 25%;">No</td> </tr> </table>	Rating: Implemented	Response Required:	No
Rating: Implemented	Response Required:	No		

CRITERION NUMBER	
	Legal Standard
CCR 8	Accessibility of extracurricular activities Extracurricular activities sponsored by the collaborative are nondiscriminatory in that: <ol style="list-style-type: none"> 1. the collaborative provides equal opportunity for all students to participate in

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	Legal Standard		
	<p>intramural and interscholastic sports; and</p> <p>2. extracurricular activities or clubs sponsored by the collaborative do not exclude students on the basis of race, color, national origin, sex, gender identity, religion, limited English speaking ability, sexual orientation, or homelessness.</p> <p>Title VI: 42 U.S.C. 2000d and 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681 and 34 CFR 106.31, 106.41; Section 504: 29 U.S.C. 794 and 34 CFR 104.4,104.37(a), (c); Title II: 42 U.S.C. 12132 and 28 CFR 35.130; ESEA: Title X, Part C, Sec. 721; Mass. Const. Amend. Art. 114; M.G.L. c. 76, § 5 and 603 CMR 26.06(1), as amended by Chapter 199 of the Acts of 2011</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CCR 9	<p>Hiring and employment practices of prospective employers of students</p> <p>1. The collaborative requires each employer recruiting at the collaborative to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness.</p> <p>2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experiences.</p> <p>M.G.L. c. 76, § 5; 603 CMR 26.07(5) as amended by Chapter 199 of the Acts of 2011</p> <p>Implementation Guidance: The statements signed by employers must indicate that the employer complies with all applicable federal and state laws prohibiting discrimination in hiring or employment practices on the bases of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness.</p>		
	Rating: Implemented	Response Required:	No

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CRITERION NUMBER	STUDENT SUPPORT SERVICES		
	Legal Standard		
CCR 10	<p>Anti-Hazing Reports</p> <p>1. The principal/program director of each secondary school program in the collaborative issues a copy of M.G.L. c. 269 §§ 17 through 19 to every student enrolled full-time and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the collaborative's anti-hazing disciplinary policy approved by the collaborative board.</p> <p>2. Each secondary school program files, at least annually, a report with the Department certifying:</p> <ul style="list-style-type: none"> a) Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19; b) Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and c) That the hazing policy has been included in the student handbook or other means of communicating school policies to students. <p>M.G.L. c. 269 §§ 17 through 19</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	STUDENT SUPPORT SERVICES		
	Legal Standard		
CCR 10A	<p>Student handbooks and codes of conduct</p> <p>1. a) The collaborative has a code of conduct for students and one for teachers. b) The principal/program director of every collaborative program containing grades 9-12 prepares, in consultation with the collaborative board, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel. The collaborative board reviews and revises the student code of conduct every</p>		

CRITERION NUMBER	STUDENT SUPPORT SERVICES		
	Legal Standard		
	<p>year.</p> <p>c) The principal/program director of every collaborative program containing other grades distributes the student code of conduct to students, parents, and personnel annually.</p> <p>d) At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language.</p> <p>2. Student codes of conduct contain:</p> <p>a) procedures assuring due process in disciplinary proceedings; and</p> <p>b) appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans.</p> <p>3. Student handbooks and codes of conduct reference M.G.L. c. 76, § 5 and contain:</p> <p>d) nondiscrimination policy that is consistent with M.G.L. c. 76, § 5, and affirms the school's non-tolerance for harassment based on race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation and homelessness, or discrimination on those same bases;</p> <p>e) the procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and</p> <p>f) the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.</p> <p>Section 504 of the Rehabilitation Act of 1973; M.G.L. c. 71, § 37H, 37H1/2 and 37H 3/4; 603 CMR 53.00; 603 CMR 26.08, as amended by Chapter 199 of the Acts of 2011</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CCR 10B	<p>Bullying Intervention and Prevention</p> <p>1. The collaborative must amend collaborative and program handbooks to conform to its updated amended Bullying Prevention and Intervention Plan (Plan). The collaborative handbook (and local updated Plan) must be consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. The amendments extend protections to students</p>		

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	Legal Standard		
	<p>who are bullied by a member of the collaborative/school staff. As defined by M.G.L. c. 71, § 37O, as amended, a member of the collaborative/school staff includes, but is not limited to, an “educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.” The collaborative handbook must make clear that a member of the staff may be named the “aggressor” or “perpetrator” in a bullying report.</p> <ol style="list-style-type: none"> 2. Collaborative and program employee handbooks must contain relevant sections of the amended local Plan relating to the duties of faculty and staff and relevant sections of the local Plan addressing the bullying of a student by a staff member. 3. Each year the collaborative and collaborative programs must give parents and guardians annual written notice of the student-related sections of the local Plan. 4. Each year the collaborative and collaborative programs must provide all staff with annual written notice of the local Plan. 5. The collaborative and collaborative programs must implement professional development for all staff that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying. <p>M.G.L. c. 71, § 37H, as amended by Chapter 92 of the Acts of 2010 and as amended by sections 72-74 of Chapter 38 of the Acts of 2013. M.G.L. c. 71, § 37O</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CCR 10C	<p>Student Discipline The collaborative executive director and board of directors shall ensure that policies</p>		

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	Legal Standard			
	<p>and procedures are in place in public preschool, elementary, and secondary programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L. c. 71, § 37H3/4, M.G.L. c. 76, § 21, and 603 CMR 53.00. These policies and procedures must address or establish, but are not limited to:</p> <ol style="list-style-type: none"> 1. The notice of suspension and hearing; 2. Procedures for emergency removal; 3. Procedures for principal hearings for both short and long term suspension; 4. Procedures for in-school suspension; 5. Procedures for executive director hearing; 6. Procedures for education services and academic progress (School-wide Education Service Plan); 7. A system for periodic review of discipline data by special populations; 8. Alternatives to suspension. <p>M.G.L. c. 71, § 37H3/4, M.G.L. c. 76, § 21, and 603 CMR 53.00</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 25%;">Response Required:</td> <td style="width: 25%;">No</td> </tr> </table>	Rating: Implemented	Response Required:	No
Rating: Implemented	Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
CCR 11A	<p>Designation of coordinator(s); grievance procedures</p> <ol style="list-style-type: none"> 1. The collaborative has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II. 2. The collaborative has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability. <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107</p>			
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Rating: Implemented	Response Required:	No		

CRITERION NUMBER			
	Legal Standard		
CCR 12A	<p>Annual and continuous notification concerning nondiscrimination and coordinators</p> <ol style="list-style-type: none"> 1. If the collaborative offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 2. In all cases, the collaborative takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the collaborative, that it does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 3. Written materials and other media used to publicize a school include a notice that the collaborative and its programs does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.8(a), 106.9; Section 504: 29 U.S.C. 794; 34 CFR 104.8; M.G.L. c. 76, § 5; 603 CMR 26.02(2) as amended by Chapter 199 of the Acts of 2011</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CCR 13	<p>Availability of information and academic counseling on general curricular and occupational/vocational opportunities Students, in grades 7-12, from linguistic, racial, and ethnic minorities; males;</p>		

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	<p>females; homeless students; and students with disabilities all receive the same information and academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.</p> <p>The collaborative ensures that English Learners (ELs) are taught to the same academic standards and curriculum as all students and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs.</p> <p>The collaborative uses grade appropriate content objectives for ELs that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	
	Legal Standard
CCR 14	<p>Counseling and counseling materials free from bias and stereotypes To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> 1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results; 3. communicate effectively with ELs and disabled students and facilitate their access to all programs and services offered by the district; 4. ensure that ELs have the opportunity to receive guidance and counseling in a language they understand; and 5. support students in educational and occupational pursuits that are nontraditional for their gender.

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	Legal Standard		
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5 and 603 CMR 26.03, 26.04 and 26.07(8), as amended by Chapter 199 of the Acts of 2011		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CCR 15	<p>Non-discriminatory administration of scholarships, prizes and awards Scholarships, prizes and awards sponsored or administered by the collaborative are free of restrictions based upon race, color, sex, gender identity, religion, national origin, sexual orientation or disability.</p> <p>Collaboratives may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.37; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); Mass. Const. amend. art. 114; M.G.L. c. 76, § 5 and 603 CMR 26.07(7), as amended by Chapter 199 of the Acts of 2011</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER	
	Legal Standard
<p>CCR 17A</p> <p>and APD 9.4</p> <p>Physical Restraint</p>	<p>Physical Restraint</p> <p>The program shall have a written policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00.</p> <p>The program administers physical restraint only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.</p> <p>Physical restraint policy and procedures must include the following:</p> <ol style="list-style-type: none"> 1. Methods for engaging parents and students in discussions about restraint prevention and use; 2. A description and explanation of the method of physical restraint used by the program in an emergency situation; 3. A statement prohibiting seclusion, medication restraint, mechanical restraint and prone restraint unless permitted under 603 CMR 46.03(1)(b); 4. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate; 5. A description of the program's procedure for conducting periodic review of data and documentation on the program's use of restraint; 6. A description of the program's training requirements for all staff; 7. A description of the intensive training for staff who serve as restraint resources for the program; 8. Reporting requirements and follow-up procedures for reports to parents/guardians and to the Department; 9. A procedure for receiving and investigating complaints regarding restraint practices; and 10. The director or his/her designee shall maintain an on-going record of all instances of physical restraint, which shall be made available for review by the Department upon request. <p>NOTE: In order for the principal to be able to complete the weekly Individual Student Reviews and monthly Administrative Reviews required by the regulations, at 603 CMR 46.06(5) and (6), the principal's log would need to contain the following fields, at a minimum:</p> <ul style="list-style-type: none"> • Student name, • Dates of restraint, • Time of restraint, • Duration of restraint, • Individuals involved in the restraint, and

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	Legal Standard			
	<ul style="list-style-type: none"> • Whether or not anyone (student or staff) was injured. <p>NOTE: A residential educational program must comply with ESE restraint requirements under 603 CMR 46.00 during school hours and EEC restraint requirements under 102 CMR 3.00 during residential hours.</p> <p>NOTE: A program within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations must comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12 or 104 CMR 28.05, where applicable.</p> <p>NOTE: Physical restraint training must be provided to all program staff within the first month of the school year regarding restraint prevention and the requirements when restraint is used.</p> <p>OR</p> <p>For employees hired after the school year begins, physical restraint training must be provided and completed within one month of the date of hire of the employee.</p> <p>M.G.L. c. 71, § 37G and 603 CMR 46.00</p>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Rating: Implemented</td> <td style="width: 25%;">Response Required:</td> <td style="width: 25%;">No</td> </tr> </table>	Rating: Implemented	Response Required:	No
Rating: Implemented	Response Required:	No		

CRITERION NUMBER	
	Legal Standard
CCR 18A	<p>Collaborative employment practices Collaborative employment practices in general are free from discrimination on the basis of race, color, national origin, sex, or disability. The collaborative's employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114</p>

CRITERION NUMBER			
	Legal Standard		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CCR 20 and CCR 26A-Confidentiality and Student Records; and APD 18.1-Confidentiality of Student Records (where applicable)	<p>Staff training on confidentiality of student records The collaborative trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, § 34H, and 603 CMR 23.00, and on the importance of information privacy and confidentiality.</p> <p>In accordance with federal and state requirements, the collaborative protects the confidentiality of any personally identifiable information that it collects, uses or maintains.</p> <p>The collaborative maintains and provides access to student records in accordance with federal and state requirements.</p> <p>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:</p> <ul style="list-style-type: none"> • The name, position and signature of the person releasing the information; • The name, position and, if a third party; • The affiliation if any, of the person who is to receive the information; • The date of access; • The parts of the record to which access was obtained; and • The purpose of such access. <p>NOTE: Unless student record information is to be deleted or released, this log requirement shall not apply to authorized personnel who inspect the student record, administrative office staff and clerical personnel who add information to or obtain access to the student record and the school nurses who inspect the student health record.</p> <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99, M.G.L. c. 71, § 34H; 603 CMR 23.05, 23.07; 603 CMR 28.09(5)(a) and 28.09(10); 603 CMR 23.07(1); M.G.L. c. 71, § 34H</p>		
	Rating: Implemented	Response Required:	No

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CRITERION NUMBER			
	Legal Standard		
CCR 21	<p>Staff training regarding civil rights responsibilities The collaborative provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p> <p>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 26.07(2) and (3)</p>		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CCR 24	<p>Curriculum review The collaborative ensures that individual teachers in the collaborative review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin or sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.</p> <p>M.G.L. c. 76, § 5 and 603 CMR 26.05(2), as amended by Chapter 199 of the Acts of 2011</p>		
	Rating: Implemented	Response Required:	No

**APPROVED PUBLIC DAY PROGRAM
LEGAL STANDARDS,
COMPLIANCE RATINGS AND
FINDINGS**

AREA 4: DISCLOSURE OF INFORMATION

CRITERION NUMBER			
	REQUIREMENTS		
APD 4.2 Public Information and Postings	The following information must be publicly posted: <ol style="list-style-type: none"> 1. First aid procedures; 2. Emergency procedures; and 3. Emergency telephone numbers. 603 CMR 28.09(6)(a-e) and 28.09(2)(b)(4)		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
APD 4.5 Immediate Notification	Pursuant to applicable regulations and agency policy this school is hereby providing immediate electronic notification to ESE for ANY student enrolled in its program (Massachusetts Student, Out-of-State Student or Privately Funded Student) concerning incidents that occur during SCHOOL HOURS ONLY, except for EMERGENCY TERMINATIONS, which is for both school and residential hours. <ol style="list-style-type: none"> 1. The death of any student (Immediate verbal and written notification to the student’s parents/guardians and school district); 2. The filing of a 51-A report with Department of Children and Families (DCF) OR a complaint filed with the Disabled Persons Protection Commission (DPPC), against the school or a school staff member, for alleged abuse or neglect of any student; 3. Any action taken by a federal, state, or local agency that might jeopardize the school’s approval with ESE (i.e. federal or state investigation; closure of intake); 4. Any legal proceeding brought against the school or its employee(s) arising out of circumstances related to the care or education of any of its students; 5. The hospitalization of a student (including out-patient emergency room or urgent care visits) due to physical injury at school or previously unidentified 		

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	REQUIREMENTS		
	<p>illness, accident or disorder which occurs while the student is in the program;</p> <p>6. A student run from the program; and</p> <p>7. Any other incident of a serious nature that occurs to a student or staff in the program. (Some examples include: any police involvement, any media involvement, weapons, fire setting, alcohol or drug possession or use while in the program).</p> <p><u>FOR BOTH SCHOOL AND RESIDENTIAL HOURS:</u></p> <p>8. he emergency termination of a student pursuant to 28.09(12)(b).</p> <p>603 CMR 18.03(10); 603 CMR 18.05(7); 603 CMR 28.09(12) (a, b)</p>		
	Rating: Implemented	Response Required:	No

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

CRITERION NUMBER			
	REQUIREMENTS		
APD 9.1 Policies and Procedure for Behavior Support	<p>The program develops and implements a comprehensive set of policies and procedures dealing with discipline and behavior support that meet all federal and state special education requirements.</p> <p>The policy must include a description of the behavior management procedures used in the facility including the following if applicable:</p> <ul style="list-style-type: none"> • Level/point systems of privileges, including procedures for the student's progress in the program; • The type and range of restrictions a staff member can impose for unacceptable behavior, including suspension and termination; • The form of restraint used in an emergency; the behavioral interventions used as alternatives to restraint; and controls on abuse of such restraints (see 603 CMR 46.00); and • Any denial or restrictions of on-grounds program services. 		

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	REQUIREMENTS		
	603 CMR 18.03(7)(b)(2) and 18.05(5, 6, 7); 603 CMR 28.09(11); 603 CMR 46.00		
	Rating: Implemented	Response Required:	No

CRITERION NUMBER			
	REQUIREMENTS		
APD 9.1(a) Student Separation Resulting from Behavior Support	<p>If the program's behavior support policy and procedures result in a student being separated in a room apart from the group or program activities, it shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> 1. Guidelines for staff in the utilization of such an area; 2. Persons responsible for implementing such procedures; 3. The duration of the procedures including procedures for approval by the chief administrative person or his/her designee for any period longer than 30 minutes; 4. Requirement that students shall be observed at all times and in all parts of the room, and that the staff shall be accessible at all times; and 5. A means of documenting the use of time-out for an individual student, including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who monitored the student during the time out. <ol style="list-style-type: none"> a) Time out rooms shall not be locked. b) Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility. <p>603 CMR 18.05(5)(i), 18.05(6, 7), and 603 CMR 46.02(5)(b)</p>		
	Rating: Implemented	Response Required:	No

AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES

CRITERION NUMBER			
	REQUIREMENTS		
<p>APD 11.12 Equal Access</p>	<p>The program provides all students with equal access to services, facilities, activities and benefits regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability or homelessness.</p> <ol style="list-style-type: none"> 1. The program provides equal opportunity for all students to participate in intramural and interscholastic sports; and 2. Extracurricular activities or clubs sponsored by the program do not exclude students on the basis of race, color, national origin, sex, gender identity, disability, religion, limited English speaking ability, sexual orientation or homelessness. <p>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; 34 CFR 106; Section 504: 29 U.S.C. 794; 34 CFR 104; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, § 721.</p>		
	Rating: Implemented	Response Required:	No

AREA 12: EDUCATIONAL STAFFING REQUIREMENTS – STAFF TRAINING

CRITERION NUMBER			
	REQUIREMENTS		
<p>APD 12.2 In-Service Training Plan and Calendar</p> <p>and elements of APD 12.2(a) – Required Training –</p>	<p>All staff, including new employees, interns and volunteers, must participate in annual in-service training on average at least two hours per month.</p> <p>The following topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all staff</u>:</p> <ol style="list-style-type: none"> a. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission; b. Disciplinary and Behavior Support Procedures used by the program, such as positive reinforcement, point/level systems, token economies, time-out procedures and techniques for dealing with disruptive or violent behavior, the program's student conduct/discipline code, suspensions and terminations; as well as detailed Restraint Procedures including de-escalation methods used by the program, safeguards for the students' emotional, physical, and psychological 		

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CRITERION NUMBER	REQUIREMENTS		
Behavior Support and Restraint; and 12.2(d) – Required Training – Medical Training	<p>well-being; procedures for obtaining and recording data regarding student discipline and behavior and integrating it into IEP Team discussions;</p> <p>c. Runaway policy;</p> <p>d. Emergency procedures including Evacuation Drills and Emergency Drills; and</p> <p>e. Civil rights responsibilities (discrimination and harassment).</p> <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually <u>to all teaching staff</u>:</p> <ul style="list-style-type: none"> • How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction; • Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and • Student record policies and confidentiality issues. <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually <u>to appropriate staff based on their job responsibilities</u>:</p> <ul style="list-style-type: none"> • CPR training and certification; • Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects; training shall include the nature of a medication, potential side effects and any special precautions or requirements shall be provided by a physician or registered nurse to all staff providing care or instruction to students for whom any staff administers medication); • Transportation safety (for staff with transportation-related job responsibilities); and • Student record policies and confidentiality issues (for staff who oversee, maintain or access student records). <p>6603 CMR 28.09(7)(f), 28.09(9)(b) and 28.09(10); 603 CMR 18.03(3), 18.05(9)(e)(1), 18.05(9)(f)(3)(c), 18.05(10) and 18.05(11)(h); Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, § 5 and 603 CMR 26.07(2) and (3).</p>		
	Rating: Implemented	Response Required:	No

AREA 15: PARENT AND STUDENT INVOLEMENT

CRITERION NUMBER			
	REQUIREMENTS		
<p>ADD 15.5 Parent Consent and Required Notification</p>	<p>The program shall develop and implement policy and procedures to work with school districts to obtain the following consents:</p> <ol style="list-style-type: none"> 1. <u>Annual:</u> <ul style="list-style-type: none"> ○ Emergency medical treatment ○ Medication Administration (when applicable) 2. <u>When applicable:</u> <ul style="list-style-type: none"> ○ Research ○ Experimentation ○ Fundraising ○ Publicity and ○ Observation 3. The program's policy and procedures shall include, when applicable, notification pursuant to Parental Notification Law M.G.L. c. 71, § 32A concerning curriculum that primarily involves human sexual education or human sexuality issues. <p>603 CMR 18.05(5)(c), 18.05(8), 18.05(9)(f)(1) and 18.05 (9)(j); M.G.L. c. 71, § 32A</p>		
	Rating: Implemented	Response Required:	No

AREA 16: HEALTH AND MEDICAL SERVICES

CRITERION NUMBER			
	REQUIREMENTS		
APD 16.3 Nursing	<p>The program shall have a registered school nurse available depending upon the health care needs of the program's population.</p> <p>NOTE: School Nurse means a nurse practicing in a school setting, who is:</p> <ol style="list-style-type: none"> 1) a graduate of an approved school for professional nursing; 2) currently licensed as a Registered Nurse pursuant to M.G.L c. 112; and 3) appointed by a school committee, collaborative board, or a board of health in accordance with M.G.L. c. 71, §§ 53, 53A, and 53B. <p>603 CMR 18.05(9)(b); M.G.L c. 112; M.G.L. c. 71, §§ 53, 53A, and 53B</p>		
	Rating: Implemented	Response Required:	No