



Massachusetts Department of  
**ELEMENTARY & SECONDARY  
EDUCATION**

**THE LEAGUE SCHOOL  
OF GREATER BOSTON**

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

**Dates of Onsite Visit: May 17-20, 2010**

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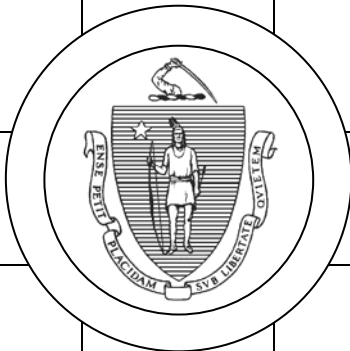
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
PRIVATE SPECIAL EDUCATION SCHOOL PROGRAM REVIEW**

**THE LEAGUE SCHOOL  
OF GREATER BOSTON**

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# MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

## APPROVED PRIVATE SCHOOL PROGRAM REVIEW REPORT

### OVERVIEW OF REVIEW PROCEDURES

#### INTRODUCTION

The Massachusetts Department of Elementary and Secondary Education is required under M.G.L. c. 71B, §10 to review special education programs in approved private special education schools that serve publicly funded students under the provisions of Board of Elementary and Secondary Education Regulations 603 CMR 28.00 and 18.00. Each private school program submits an application for approval by the Department of Elementary and Secondary Education and periodically updates information included in the application on how special education services are provided. Each year, the Department's Program Quality Assurance Services unit conducts onsite visits to selected approved private school programs to verify the implementation of their applications. The selected schools for 2009-2010 review cycle were notified in September 2009 of scheduled visits and were encouraged to assess themselves before the arrival of the Department's visiting team.

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

#### **Private School Program Review Elements**

**Team:** Depending upon the size of a private school and the number of programs to be reviewed, a team of two to three Department staff members conducts an onsite Program Review over two to five days. In some instances, Massachusetts' human service agency staff may also participate on the visiting team.

**Scope:** All approved private school programs in the Commonwealth are monitored through the Department's Private School Program Review system on a six-year cycle with an additional Mid-cycle follow-up visit. This six-year monitoring and follow-up cycle is coordinated with the Department's Approved Private School Program Re-application procedures.

**Content:** The Program Review criteria encompass key elements drawn from 603 CMR 18.00 and 28.00 and the private school program's application for approval. The elements selected for the reviews also include those required by the federal Office for Special Education Programs (OSEP) and revised requirements of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.* (IDEA-2004) as described in the Department's Special Education Advisories. Selected Program Review compliance criteria are aligned with the requirements and goals of the Massachusetts Education Reform Act of 1993, being intended to promote high standards and achievement for all students.

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

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

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

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

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

## REPORT INTRODUCTION

A two-member Massachusetts Department of Elementary and Secondary Education team visited The League School of Greater Boston during the week of May 20, 2010 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), M.G.L c. 71B (“Chapter 766”) and the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.*, as amended in 1997 (IDEA-97). The team appreciated the opportunity to interview staff and parents, to observe classroom facilities, and to review the program efforts underway.

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

- Interviews of four administrative staff.
- Interviews of six clinical staff.
- Interviews of five teaching and educational support services staff.
- Interviews of three childcare staff.
- Interviews of eight parents of a Massachusetts student enrolled in the school program.
- Student record review: A sample of twenty Massachusetts student records was selected by the Department. Student records were first examined by the school program’s staff and then verified by the onsite team using standard Department of Elementary and Secondary Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Personnel record review: A sample of eighteen personnel records was selected by the Department. Personnel records were first examined by the school program’s staff and then verified by the onsite team using standard Department of Elementary and Secondary Education personnel record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Observation of classrooms and other facilities: A sample of five instructional classrooms and other facilities used in the delivery of programs and services were visited to determine general levels of compliance with program requirements.
- Surveys of parents of students with disabilities: forty parents of students with disabilities were sent surveys that solicited information about their experiences with the school program’s implementation of special education programs, related services and procedural requirements. Thirteen of these parent surveys were returned to the Department of Elementary and Secondary Education for review.

The report includes findings organized under 14 specified compliance areas listed in the table of contents. The findings explain the “ratings,” or determinations by the team about the implementation status of the compliance criteria reviewed within each of these areas. The ratings indicate those criteria that were found by the team to be substantially “Implemented” or implemented in a “Commendable” manner, defined as criteria that are implemented in an exemplary manner significantly beyond the requirements. Where criteria were found to be either “Partially Implemented” or “Not Implemented,” the private school program must propose to the Department corrective action to bring those areas into compliance with the

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

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

**THE LEAGUE SCHOOL  
OF GREATER BOSTON**

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT  
RECEIVING A COMMENDABLE RATING  
FROM THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

Day & Residential – 1.2
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**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT  
REQUIRING CORRECTIVE ACTION PLAN DEVELOPMENT  
in response to the following  
PROGRAM REVIEW REPORT FINDINGS**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 1: Demonstration of Need and Capacity			
Area 2: Administration – Approvals, Licenses and Certificates Documentation			
Area 4: Disclosure of Information			
Area 5: Administration and Admissions Procedures			
Area 6: Educational Program Requirements -- Student Learning Time			
Area 8: Educational Program Requirements – Individualized Education Programs			
Area 9: Educational Program Requirements -- Student Discipline and Behavior Management	Day & Residential – 9.1(a)		
Area 10: Educational Staffing Requirements -- Ratios			
Area 11: Educational Staffing Requirements -- Personnel Policies			

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Area 12: Educational Staffing Requirements -- Staff Training	Day & Residential – 12.1 Day & Residential – 12.2		
Area 13: Physical Facility and Equipment Requirements			
Area 15: Parent and Student Involvement			
Area 16: Health and Medical Services	Day & Residential – 16.7		
Area 18: Student Records			

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

**DEFINITION OF TERMS**  
**FOR THE RATING OF EACH COMPLIANCE CRITERION**

<b>Commendable</b>	The criterion is implemented in an exemplary manner significantly beyond the requirements.
<b>Implemented</b>	The requirement or criterion is substantially met.
<b>Partially Implemented</b>	The requirement, in one or several important aspects, is not entirely met.
<b>Not Implemented</b>	The requirement is totally or substantially not met.
<b>Not Applicable or Not Rated</b>	The requirement does not apply to the private school program.

**AREA 1: DEMONSTRATION OF NEED AND CAPACITY**

<b>CRITERION NUMBER</b>	<b>Legal Standard</b>
<p>1.2 Program &amp; Student Description, Program Capacity</p> <p><b>28.09(2)(A)(2);</b></p> <p><b>28.09(2)(B)(2, 3, 7)</b></p>	<p>A narrative is provided that describes:</p> <ul style="list-style-type: none"> <li>• Identified population of students to be served</li> <li>• Ages of students;</li> <li>• Educational characteristics;</li> <li>• Behavioral characteristics and</li> <li>• Philosophy, goals and objectives.</li> </ul> <ul style="list-style-type: none"> <li>• How each of the following educational services are implemented for the described student population of the program:               <ul style="list-style-type: none"> <li>○ The content requirements of the Massachusetts Curriculum Frameworks;</li> <li>○ Self-help, daily living skills;</li> <li>○ Social/emotional needs;</li> <li>○ Physical education; adapted physical education;</li> <li>○ Pre-vocational, vocational, and career education;</li> <li>○ English language support (for limited English proficient students) and</li> <li>○ Other: any other specialized educational service(s) provided by the program.</li> </ul> </li> <li>• How each of the following related services is or will be provided for the described student population of the program whose IEPs indicate such services:               <ul style="list-style-type: none"> <li>○ Transportation;</li> <li>○ Braille needs (blind/visually impaired);</li> <li>○ Assistive technology devices/services;</li> <li>○ Communication needs (all students including deaf/hard of hearing students);</li> <li>○ Physical therapy;</li> <li>○ Occupational therapy;</li> <li>○ Recreation services;</li> <li>○ Mobility/orientation training;</li> <li>○ Psychological services, counseling services, rehabilitation counseling services, social work services;</li> <li>○ Parent counseling and training;</li> <li>○ Health services, medical services and</li> <li>○ Other (e.g., music therapy, sensory integration therapy).</li> </ul> </li> <li>• How the kinds of supplementary aids and services available for students in the program is or will be provided:               <ul style="list-style-type: none"> <li>○ Supplementary aids and services are defined as “those aids and services – which are not ‘specially designed instruction or related services’ – which enable eligible students to be educated to the maximum extent possible with</li> </ul> </li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	non-disabled students.” These may include aids and services that would typically be available in a less restrictive setting, and their availability would be helpful when the student can be placed in a less restrictive placement (e.g., adapted text, enlarged print, graph paper, peer tutor).
	<b>RATING: Commendable</b> <b>RESPONSE REQUIRED: No</b>

**Department of Elementary and Secondary Education Findings:**

*Day & Residential – Documentation review, staff interviews, and parent interviews indicated that the League School offers an exceptional pre-vocational, vocational, and career education program. League School has developed mutually beneficial relationships with area merchants, agencies, and retail outlets, which has resulted in employment options for the students at a variety of unique community settings. The students are in the community on a daily basis in order to promote awareness, confidence, and independence.*

**AREA 2: ADMINISTRATION – APPROVALS, LICENSES AND CERTIFICATES DOCUMENTATION**

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
2.2 Approvals, Licenses, Certificates of Inspection  18.04(1); 28.09(2)(b)(5) ; 28.09(5) (b); 28.09(6) (b, c)	<p>The program has current licenses, approvals, and certificates of inspection by state and local agencies.</p> <ul style="list-style-type: none"> <li>• Safety Inspection. The program shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access;</li> <li>• Fire Inspection. The program shall obtain a written report of an annual fire inspection from the local fire department;</li> <li>• Lead paint inspection (if facility was built prior to 1978). All buildings, residential or otherwise, utilized by children younger than six or with a mental age younger than six shall be free of lead paint;</li> <li>• Local Board of Health permit if providing food services;</li> <li>• Asbestos inspection or date when building was constructed and statement from appropriate authority that building is asbestos free (if Asbestos is present then a containment plan);</li> <li>• Statement regarding the non-existence of PCBs, or, if PCBs are present then a containment plan; and</li> <li>• Other inspections that may be required by local or state authorities</li> </ul>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
2.3 EEC Licensure  102 CMR 3.00 <b>(Residential Programs only)</b>	The residential program has a current, full license from the Department of Early Education and Care (EEC) (per 102 CMR 3.00). Approval by EEC to operate a group care facility or a day care center (if applicable).
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>AREA 4: DISCLOSURE OF INFORMATION</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
4.2 Public Information and Postings  28.09(6)(a, b, c, d, e); 28.09(2)(b)(4)	The following information must be publicly posted: <ul style="list-style-type: none"> <li>• First aid procedures;</li> <li>• Emergency procedures;</li> <li>• Emergency telephone numbers;</li> <li>• Current ESE approval certificate; and</li> <li>• Current EEC License if applicable.</li> </ul>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
4.4 Advance Notice of Proposed	The program shall develop and implement a written procedure describing how it notifies the Department of substantial changes within its program and identifying the person responsible for making this notification.







<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	discriminates on the grounds of race, color, religion, sexual orientation, or national origin, or that discriminates against qualified persons with disabilities.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<p><b>AREA 6: EDUCATIONAL PROGRAM REQUIREMENTS – STUDENT LEARNING TIME</b></p>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
6.1 Daily Instructional Hours  603 CMR 27.04	<p>The program ensures that each student is scheduled to receive an average minimum of the following instructional hours unless otherwise approved by ESE or a student’s IEP provides otherwise:</p> <ul style="list-style-type: none"> <li>• Elementary – A total of: <p>10 month program – 900 hours 11 month program – 990 hours 12 month program – 1080 hours</p> </li> <li>• Secondary – A total of: <p>10 month program – 990 hours 11 month program – 1089 hours 12 month program – 1188 hours</p> </li> </ul> <p>The program ensures that, unless a student’s IEP provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year (including physical education for all students, required by M.G.L. c. 71, § 3), within the required school year schedule. Where the private special education program operates separate middle schools, at the beginning of the school year it designates each one as either elementary or secondary.</p> <p><b>NOTE:</b> 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</p>



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

CRITERION NUMBER	
	<b>Legal Standard</b>
8.4 Program Modifications and Support Services for Limited English Proficient Students  M.G.L. c. 71A; Title VI	<p>The program shall develop a written plan to implement necessary program modifications and support services to identify and effectively serve limited English proficient (LEP) students. Such program modifications and support services comply with applicable state law (M.G.L. c. 71A) and federal law (Title VI).</p> <ul style="list-style-type: none"> <li>• The program must acknowledge it is responsible to serve LEP students.</li> <li>• The program must affirm its willingness to accept students with LEP into its program.</li> <li>• The student must be afforded the same opportunity to access and participate in the program’s services, activities and other benefits as all other students.</li> <li>• Unless the student’s IEP specifies otherwise, the student must receive: <ul style="list-style-type: none"> <li>○ sheltered content instruction from a trained and qualified teacher; and</li> <li>○ additional instruction in English as a Second Language by a certified ESL teacher.</li> </ul> </li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
8.5 Current IEP & Student Roster  28.09(5)(a)	<p>The program has on file a current IEP for each enrolled Massachusetts student that has been issued by the responsible public school district and consented to and dated by the student’s parent(s) (or student, when applicable).</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
8.8 IEP – Progress	<p>Progress Reports and Content</p> <ul style="list-style-type: none"> <li>• Parents receive reports on the student’s progress towards reaching the goals</li> </ul>



<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	management. No student shall be denied or unreasonably delayed a meal for any reason other than medical prescriptions.
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
9.1(a) Student Separation Resulting from Behavior Management  18.05(5)(i); 18.05(6, 7); 46.02(5)(b)	If the program’s behavior management 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: <ol style="list-style-type: none"> <li>1. Guidelines for staff in the utilization of such an area;</li> <li>2. Persons responsible for implementing such procedures;</li> <li>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;</li> <li>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</li> <li>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. <ul style="list-style-type: none"> <li>o Time out rooms shall not be locked.</li> <li>o Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.</li> </ul> </li> </ol>
	<b>RATING: Partially Implemented                      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Comments:**

*Day & Residential – The students are not able to be observed in all parts of the time-out room as required.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
9.4 Physical Restraint (Day programs only)  18.05(5); 603 CMR 46.00	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.  The policy and procedures must include the following: <ul style="list-style-type: none"> <li>• Parent/guardian consent to the implementation of restraint pursuant to the program’s policy must be obtained annually.</li> </ul>





<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>• If the TEAM determines that the behavior <u>IS</u> a manifestation of the disability, the TEAM, takes steps to modify the IEP, the behavior intervention plan, and/or the placement.</li> </ul> <p><b>NOTE:</b> Sending a student home “early” or an in-school suspension of a student who is not receiving instruction from either a licensed teacher or a paraprofessional who is being supervised by a licensed teacher is considered a suspension if the student’s IEP does not allow for the modification of learning time requirements of the Board of Elementary and Secondary Education.</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
9.7 Terminations 18.05(7); 28.09(12)(b)	<p>The program develops and implements a written termination policy that includes provisions regarding both Planned Terminations and Emergency Terminations. The policy must include the following:</p> <p>a) Planned Terminations: The program shall notify the public school district of the need for an IEP review meeting and provides notice of this meeting to all appropriate parties ten (10) days in advance of the intended date of the meeting. The purpose of the meeting will be to develop a clear and specific termination plan for the student that shall be implemented in no less than thirty (30) days unless all parties agree to an earlier termination date.</p> <p>b) Emergency Terminations: In circumstances where the student presents a clear and present threat to the health and safety of him/herself or others, the program shall follow the procedures required under 603 CMR 28.09(12)(b) and immediately notify the Department of Elementary and Secondary Education.</p> <p>The program shall not terminate the enrollment of any student, even in emergency circumstances, until the enrolling public school district is informed and assumes responsibility for the student. At the request of the public school district, the program shall delay termination of the student for up to two calendar weeks to allow the public school district the opportunity to convene an emergency Team meeting or to conduct other appropriate planning discussions prior to the student's termination from the special education school program. With the mutual agreement of the program and the public school district, termination of enrollment may be delayed for longer than two calendar weeks.</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

**AREA 10: EDUCATIONAL STAFFING REQUIREMENTS - RATIOS**

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
10.1 Staffing for Instructional Groupings  28.06(6)(d); 28 09(7)(e)	<p>The program shall have instructional groupings that do not exceed 1) the approved ESE Student: Licensed Educator Ratio and 2) the approved ESE Student: Licensed Educator: Aide Ratio.</p> <p>Student: Licensed Educator Ratio is defined as the number of students within an instructional group to the number of licensed special education teachers, licensed regular education teachers or licensed related service providers.</p> <p>Student: Licensed Educator: Aide Ratio is defined as the number of students within an instructional group to the number of licensed special education teachers, licensed regular education teachers or licensed related service providers, to the number of aides (teacher aide, paraprofessional, direct care staff, behaviorist).</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
10.2 Age Range  28.06(6)(f, g)	<p>The program shall ensure that the ages of the youngest and oldest child in any instructional grouping shall not differ by more than forty-eight months (4 years).</p> <p>Prior to exceeding the forty-eight month timeframe, an Alternate Compliance Waiver (<a href="http://www.doe.mass.edu/pqa/sa_nr">http://www.doe.mass.edu/pqa/sa_nr</a>) must be requested and approved by the Department.</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

**AREA 11: EDUCATIONAL STAFFING REQUIREMENTS - PERSONNEL POLICIES**

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.1 Personnel Policies and Procedures Manual  18.05(11); 18.05(11)(c) (1); 28.09(7); 28.09(11)(a); M.G.L. c. 71, § 38R; ESE Advisory on CORI revised 5/7/07	<p>The program shall develop and implement a written personnel policies and procedures manual that describes:</p> <ul style="list-style-type: none"> <li>• Criteria and procedures for hiring. This should include the school's Criminal Offender Record Information (CORI) policy regarding CORI checks on employees, volunteers and transportation providers whose responsibilities bring them into direct and unmonitored contact with students (upon initial hire and every three years thereafter). [NOTE: A residential program licensed by EEC does not need to conduct independent CORI checks where those checks have been done through EEC];</li> <li>• Procedures for evaluation of staff;</li> <li>• Procedures for discipline of staff (including suspensions and dismissals);</li> <li>• Procedures for handling staff complaints (See Criterion 15.8);</li> <li>• A plan for using volunteer and/or intern services; and,</li> <li>• Statement of equal employment/educational opportunities in regard to race, color, creed, religion, national origin, sex, sexual orientation and handicap.</li> </ul>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.2 Administrative Responsibility  18.05(11)(a, b)	<p>The program shall designate one person who will have administrative responsibility over the operation of the program. Programs with more than 40 professional licensed staff may have one (or more) assistant administrator(s) provided the Department approves such positions.</p> <p>The administrator or designee shall at all times be on the premises of the school while the program is in operation. All staff on duty shall know who is responsible for administration of the program at any given time.</p>
	<b>RATING: Implemented                      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<p>11.3 Educational Administrator Qualifications</p> <p>28.09(5)(a); 28.09(7)(a); 603 CMR 44.00</p>	<p>At least one staff member shall be designated as the educational administrator for the program. Such person shall be assigned to supervise the provision of special education services in the program and to ensure that the services specified in each student's IEP are delivered. The educational administrator shall either possess licensure as a special education administrator or possess all of the following:</p> <ul style="list-style-type: none"> <li>• License as a special educator;</li> <li>• A minimum of a master's degree in special education or a related field; and</li> <li>• A minimum of one year of administrative experience.</li> </ul> <p>The educational administrator shall be re-licensed pursuant to the requirements of 603 CMR 44.00.</p> <p>The educational administrator shall obtain supervisory approval of his/her Professional Development Plan per 603 CMR 44.04, if applicable.</p>
	<p><b>RATING: Implemented</b>                      <b>RESPONSE REQUIRED: No</b></p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<p>11.4 Teachers (Special Education Teachers and Regular Education Teachers)</p> <p>18.05(11)(f); 28.09(5)(a); 28.09(7)(b, c); 34 CFR 300.321</p>	<p>The program must ensure that all teaching staff have teaching licenses appropriate to meet the needs of the population being served pursuant to the requirements of 603 CMR 7.00 and, additionally, must adhere to the following requirements:</p> <ul style="list-style-type: none"> <li>• 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.'</li> <li>• To the extent that teaching staff is providing special education services, such services shall be provided, designed, or supervised by a special educator.</li> <li>• 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.</li> </ul> <p>At least half of the teaching staff shall be licensed in special education areas appropriate to the population served at the program; other teaching staff may be licensed in other educational areas, in order to provide for content expertise in the general curriculum. The Department of Elementary and Secondary Education may require a higher proportion of licensed special educators if, in the opinion of the Department, the population requires more specialized services.</p>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	The number of special education teachers and the number of general education teachers must correspond with the most recently approved ESE budget.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.5 Related Services Staff	All staff providing or supervising the provision of related services (including consultants) shall be appropriately certified, licensed or registered in their professional areas.
28.09(7)(d)	Any staff members providing educational interpreting for students who are deaf or hard of hearing must be registered through the Massachusetts Commission for the Deaf and Hard of Hearing. This includes staff members who are identified as educational interpreters or oral transliterators or someone who fulfills that role but is not identified as an interpreter.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
11.6 Master Staff Roster	The program maintains a master list of ALL staff for every position within the program. The staff positions shall correspond to the last ESE approved Program Budget. This list must include job titles along with their corresponding UFR title numbers and full-time equivalents (FTE's). This list may include, but is not limited to:
28.09(7)	<ul style="list-style-type: none"> <li>• Administrators</li> <li>• Special education teachers</li> <li>• General education teachers</li> <li>• Related service providers</li> <li>• Registered Nurses</li> <li>• Direct care workers</li> </ul>



CRITERION NUMBER	
	Legal Standard
and Training  18.05(11)(g, i); 28.09(7)(f)	<ul style="list-style-type: none"> <li>• Program’s philosophy</li> <li>• Organization</li> <li>• Program</li> <li>• Practices</li> <li>• Goals</li> <li>• ESE required topics (12.2 a-e)</li> <li>• Provisions for orientation of intern, volunteers or others who work at the program, if applicable.</li> </ul> <p><b>NOTE:</b> New staff may not be assigned direct care duties with students until they have participated in all mandated trainings listed under criterion 12.2 a-e through their orientation program.</p>
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Day & Residential – A review of personnel records indicated that orientation training did not cover all of the required topics. In addition, documentation of training sessions attended by new staff has not been consistently maintained.*

CRITERION NUMBER	
	Legal Standard
12.2 In-Service Training Plan and Calendar  28.09(7)(f); 28.09(9)(b); 28.09(10); 18.03(3); 18.05(9)(e)(1); 18.05(10); 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	<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"> <li>a. Reporting abuse and neglect of students to the Department of Children and Families and/or the Disabled Persons Protection Commission;</li> <li>b. Disciplinary and Behavior Management Procedures used by the program, such as positive reinforcement, point/level systems, token economies, time-out procedures and suspensions and terminations; as well as Restraint Procedures including de-escalation methods used by the program;</li> <li>c. Runaway policy;</li> <li>d. Emergency procedures including Evacuation Drills and Emergency Drills; and</li> <li>e. Civil rights responsibilities (discrimination and harassment).</li> </ol> <p>The following <u>additional</u> topics are <u>required</u> in-service training topics and <u>must</u> be provided annually to <u>all teaching staff</u>:</p> <ul style="list-style-type: none"> <li>• How the learning standards of the Massachusetts Curriculum Frameworks are incorporated into the program’s instruction;</li> </ul>

<p>106.31-106.42; M.G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2, 3)</p>	<ul style="list-style-type: none"> <li>• Procedures for inclusion of all students in MCAS testing and/or alternate assessments; and</li> <li>• Student record policies and confidentiality issues.</li> </ul> <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"> <li>• CPR training and certification;</li> <li>• Medication administration (including, but not limited to, administration of antipsychotic medications and discussions of medications students are currently taking and their possible side effects);</li> <li>• Transportation safety (for staff with transportation-related job responsibilities); and</li> <li>• Student record policies and confidentiality issues (for staff who oversee, maintain or access student records).</li> </ul>
	<p><b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b></p>

**Department of Elementary and Secondary Education Findings:**

*Day & Residential – A review of personnel records indicated not all required in-service training topics have been provided annually to all applicable staff. In addition, documentation of training sessions attended by staff has not been consistently maintained.*

CRITERION NUMBER	
	<b>Legal Standard</b>
<p>12.2(c) Required Training-CPR Certification  18.05(9)(e)</p>	<p>The program shall develop and implement a training plan for CPR Certification, which identifies:</p> <ul style="list-style-type: none"> <li>• the staff positions/titles of staff to be trained;</li> <li>• how many staff in each position/title will be trained; and</li> <li>• the frequency of CPR training and certification.</li> </ul>
	<p><b>RATING: Implemented      RESPONSE REQUIRED: No</b></p>

**AREA 13: PHYSICAL FACILITY AND EQUIPMENT REQUIREMENTS**

CRITERION NUMBER	Legal Standard
<p>13.2 Description of Physical Facility</p> <p>18.04; 28.09(8)</p>	<p><u>Kitchen, Dining, Bathing/Toilet and Living Areas:</u> The program shall ensure that all kitchen, dining, bathing/toilet and living areas are of an adequate type, size and design appropriate to the ages and needs of the students. The program shall also:</p> <ul style="list-style-type: none"> <li>• Maintain areas which are clean, well ventilated and free from hazards;</li> <li>• Provide students with equipment, supplies and materials (e.g., kitchen equipment, dining utensils, toilets, sinks, individual furniture and storage space) which are clean, safe, safely stored, well maintained and appropriate to the ages and needs of the students;</li> <li>• Design all living areas to simulate the functional arrangements of a home and to encourage a personalized atmosphere for small groups of students, unless the school can justify that another arrangement is necessary to serve the particular needs of the students enrolled in the school.</li> </ul> <p><u>Classroom Space:</u> Each room or area that is utilized for the instruction of students shall be adequate with respect to the number of students, size and age of students and students' specific educational needs, physical capabilities and educational/vocational activities.</p> <p><u>Indoor Space:</u> The program shall have a minimum of thirty-five (35) square feet of activity space per student exclusive of hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices or areas regularly used for other purposes.</p> <p><u>Additionally, all programs must:</u></p> <ul style="list-style-type: none"> <li>• Ensure that all areas, including but not limited to, floors, ceilings and walls, are clean, well maintained and free from safety hazards;</li> <li>• Protect all steam and hot water pipes by permanent screen guards, insulations, or any other suitable device which prevents students from coming in contact with them;</li> <li>• Maintain room temperatures at not less than 68 degrees Fahrenheit at zero Fahrenheit outside and at not more than the outside temperature when the outside temperature is above 80 degrees Fahrenheit; and</li> <li>• Designate space separate from classroom areas for administrative duties and staff or parent conferences.</li> </ul>
	<p><b>RATING: Implemented</b>                      <b>RESPONSE REQUIRED: No</b></p>





CRITERION NUMBER	
	<b>Legal Standard</b>
Required Notification 18.05(5)(c); 18.05(8); 18.05(9)(f)(1); 18.05 (9)(j); M.G.L. c. 71, § 32A	<ul style="list-style-type: none"> <li>• <b><u>Annual:</u></b> <ul style="list-style-type: none"> <li>○ Emergency medical treatment</li> <li>○ Restraints</li> <li>○ Medication Administration (when applicable)</li> </ul> </li> <li>• <b><u>When applicable:</u></b> <ul style="list-style-type: none"> <li>○ Research</li> <li>○ Experimentation</li> <li>○ Fundraising</li> <li>○ Publicity and</li> <li>○ Observation</li> </ul> </li> </ul> <p>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>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
15.8 Registering Complaints and Grievances – Parents, Students and Employees 18.05(1)(b) (16); 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	<ul style="list-style-type: none"> <li>• The program shall develop, implement and make available to <b>parents and, when applicable, students</b> a set of written procedures that may be used to register complaints regarding the student’s education and care at the school program that includes specific timelines and the appeals process.</li> <li>• The program must also adopt and publish grievance procedures for <b>students</b> providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, national origin, gender, religion, sexual orientation, disability) that includes specific timelines and the appeals process.</li> <li>• The program must also adopt and publish grievance procedures for <b>employees</b> providing for prompt and equitable resolution of complaints alleging discrimination based on legally protected categories (race, color, national origin, gender, religion, sexual orientation, disability) that includes specific timelines and the appeals process.</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>AREA 16: HEALTH AND MEDICAL SERVICES</b>
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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.2 Physician Consultation  18.05(9)(a) M.G.L c. 71, §§ 53, 53A, and 53B	The program shall have a licensed physician available for consultation.  <b>NOTE:</b> School Physician means a physician appointed by a School Committee or Board of Health in accordance with M.G.L c. 71, §§ 53, 53A, and 53B or, in the case of a private program, by the Board of Trustees.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.3 Nursing  18.05(9)(b) M.G.L c. 112 M.G.L. c. 71, §§ 53, 53A, and 53B	The program shall have a registered nurse available depending upon the health care needs of the program’s population.  <b>NOTE:</b> School Nurse means a nurse practicing in a school setting, who is: (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 or a Board of Health in accordance with M.G.L. c. 71, §§ 53, 53A, and 53B or, in the case of a private school, by the Board of Trustees.
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>



CRITERION NUMBER	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>• The program shall dispose of or return to the parents any unused medication.</li> <li>• Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist.</li> <li>• Provisions must be made for refrigeration of medications, when necessary.</li> <li>• The program shall have a written policy regarding the amount of medication to be kept on the premises at any one time for each student receiving medication.</li> <li>• A review of medications administered to a student shall be incorporated into all case reviews conducted at the school with staff regarding the student.</li> </ul>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
16.6 Administration of Antipsychotic Medication  18.05(9)(f)(9)	<p>The program shall develop and implement written policy and procedures for the administration of antipsychotic medication. The policy shall include that the program shall not administer or arrange for the administration of antipsychotic medication (drugs used in treating psychoses and alleviating psychotic states) <b><u>except under the following circumstances:</u></b></p> <ul style="list-style-type: none"> <li>• Antipsychotic medication shall be prescribed by a licensed physician for the diagnosis, treatment and care of the child and only after review of the student's medical record and actual observation of the student.</li> <li>• The prescribing physician shall submit a written report to the school detailing the necessity for the medication, staff monitoring requirements, potential side effects that may or may not require medical attention and the next scheduled clinical meeting or series of meetings with the student.</li> <li>• No antipsychotic prescription shall be administered for a period longer than is medically necessary and students on antipsychotic medication must be carefully monitored by a physician.</li> <li>• Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any.</li> <li>• Except in an emergency, as defined in 18.05 (9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. If a student is in the custody of his/her parent(s), parental consent in writing is required. Parental consent may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought.</li> </ul>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<ul style="list-style-type: none"> <li>• In an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action and there is no less intrusive alternative to the medication. The treating physician must determine that medication is necessary to prevent the immediate substantial and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 18.05(9)(e).</li> <li>• The program shall inform a student twelve years of age and older, consistent with the student's capacity to understand, about the treatment, risks and potential side effects of such medication. The program shall specify and follow procedures if the student refuses to consent to administration of the medication.</li> </ul>
	<b>RATING: Implemented</b> <b>RESPONSE REQUIRED: No</b>

CRITERION NUMBER	
	<b>Legal Standard</b>
16.7 Preventive Health Care  18.05(9)(g) M.G.L. c. 71, § 57 M.G.L. c. 111, § 111.	The program shall describe in writing a plan for the preventive health care of students: <ul style="list-style-type: none"> <li>• The program, in cooperation with the student's parents and/or human service agency which is responsible for payment, shall make provision for each student to receive an annual comprehensive medical and dental examination. The program shall require a written report from the physician(s) of the results of the examination and any recommendation and/or modification of the student's activity.</li> <li>• The program shall, in cooperation with the student's public school, develop a plan to ensure that vision, hearing, postural and other screenings are conducted (DPH requires annual vision and hearing screenings. MGL c. 71, § 57 requires postural screenings for grades 5-9.)</li> <li>• The program shall have a policy and procedure for assuring that a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school and for notifying all parents and referring agencies of the introduction of a reported communicable disease into the program. The local board of health must be notified in accordance with M.G.L. c. 111, § 111.</li> <li>• The program shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches out of the reach of students. Medications</li> </ul>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	<p>and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with contents and antidote. The phone number for the nearest poison center must be posted clearly.</p> <ul style="list-style-type: none"> <li>• Where appropriate, the program shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation.</li> <li>• The program shall require that all students have necessary immunizations as required by the Department of Public Health.</li> </ul>
	<b>RATING: Partially Implemented      RESPONSE REQUIRED: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Day & Residential - Student record review indicated that the required physical and dental exams and the vision, hearing, and postural screenings were not consistently documented for all students.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.11 Student Allergies  18.05(9)(h)	The program shall develop and implement written policy and procedures for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.
	<b>RATING: Implemented      RESPONSE REQUIRED: No</b>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
16.12 No Smoking Policy  M.G.L. c. 71, § 37H	The program shall develop and implement a written policy that prohibits the use of any tobacco products within the program buildings, the program facilities or on the program grounds or on buses by any individual, including school personnel.
	<b>RATING: Implemented      RESPONSE REQUIRED: No</b>

**AREA 18: STUDENT RECORDS**

CRITERION NUMBER	Legal Standard
<p>18.1 Confidentiality of Student Records</p> <p>28.09(5)(a); 28.09(10); 23.07(1); M.G.L. c. 71, § 34H</p>	<p>Programs shall keep current and complete files for each publicly funded enrolled Massachusetts student and shall manage such files consistent with the Massachusetts Student Record Regulations of 603 CMR 23.00 and M.G.L. c. 71, § 34H.</p> <ul style="list-style-type: none"> <li>• The program shall make the individual records of enrolled Massachusetts students available to the Department of Elementary and Secondary Education upon request.</li> <li>• Staff notes or reports regarding a student shall be legibly dated and signed by persons making entries.</li> <li>• A log of access shall be kept as part of each student’s record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ the date of access;</li> <li>○ the parts of the record to which access was obtained; and</li> <li>○ the purpose of such access.</li> </ul> </li> </ul> <p><b>NOTE:</b> 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><b>RATING: Implemented</b>                      <b>RESPONSE REQUIRED: No</b></p>

PRIVATE SCHOOL PROGRAM REVIEW FINAL REPORT 2010.doc

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