

Department of E d u c a t i o n

Lexington Public Schools

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

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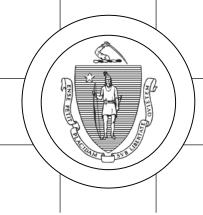
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MASSACHUSETTS DEPARTMENT OF EDUCATION COORDINATED PROGRAM REVIEW

Lexington Public Schools

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MASSACHUSETTS DEPARTMENT OF EDUCATION

COORDINATED PROGRAM REVIEW REPORT

Lexington Public Schools

OVERVIEW OF REVIEW PROCEDURES

As one part of its school and school district accountability system, the Department of Education oversees local compliance with education requirements through the Coordinated Program Review system. All reviews include selected requirements in special education under the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 et seq. (IDEA-97) and M.G.L. Chapter 71B (Chapter 766 of the Acts of 1972) and certain federal civil rights requirements under Titles I and II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, together with related state requirements under M.G.L. Chapter 76, Section 5 (Chapter 622 of the Acts of 1971). Additionally, all reviews include certain standards included under the newly adopted Board of Education Physical Restraint Regulations (603 CMR 46.00). Other monitoring activities in the areas of the state's Transitional Bilingual Education law (M.G.L. Chapter 71A), federal requirements under Title I, the Safe and Drug-Free Schools and Communities Act, the Perkins Vocational and Technical Education Act, and Nutrition Programs and Services will be conducted in some districts during these Coordinated Program Reviews. The school districts and charter schools selected for review in 2001-2002 were notified by the Commissioner of Education in April 2001 the of scheduled visits and were encouraged to assess themselves before the arrival of the Department's visiting team.

Coordinated Program Review Elements

<u>Team:</u> Depending upon the size of a school district and the number of program areas to be

reviewed, a team of two to eight members conducts a Coordinated Program Review over

two to seven days in a school district or charter school. The team may include

Department consultants as well as Department staff members.

Scope: Approximately sixty school districts and charter schools are scheduled to receive visits in

school year 2001-2002. All school districts and charter schools in the Commonwealth are monitored through the Department's Coordinated Program Review system on a six-

year cycle with an additional mid-cycle special education follow-up visit.

Content: The Program Review criteria include certain of the statutory and regulatory requirements

for each program area. In the case of special education, the criteria for the FY 2002 reviews contain, at a minimum, those elements required by the federal Office for Special Education Programs (OSEP) and revised requirements under IDEA-97 as described in the

Department's Special Education Advisories. Additionally, the 2001-2002 reviews incorporate updated state special education requirements as adopted by the Board of Education, effective December 20, 2000. The Program Review compliance criteria selected in all of the regulated program areas are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993, being intended to promote

high standards and achievement for all students.

Report: The Department's report is based on a review of documentation regarding the operation

of the district's programs, together with information gathered through the following

Department program review methods:

- Interviews of administrative, instructional and support staff across all grade levels.
- Interviews of parent advisory council (PAC) representatives.
- Other interviews as requested by members of the general public.
- Review of student records in the special education, Transitional Bilingual Education, and Perkins
 vocational programs. Parents of students with disabilities whose files were selected for the record
 review are sent a survey that solicits information about their experiences with the district's
 implementation of special education programs, related services and procedural requirements.
- Observation of classrooms and other facilities. A sample of instructional classrooms and other school
 facilities used in the delivery of programs and services are visited to determine general levels of
 compliance with program and accessibility requirements.
- Interviews, review of student records, and observations in the case of collaborative programs and services. Where the district is a member of a collaborative approved by the Department of Education and serves as a site for any programs or services operated by the collaborative, interviews with collaborative staff, review of records of collaborative students, and observations of collaborative facilities are conducted.

Response:

An executive summary and detailed findings for each program area describe determinations about the implementation status of each requirement (criterion) reviewed. The findings note those criteria the implementation of which the team found to be commendable. Where criteria were found not to be fully implemented, the local district or charter school must propose corrective actions to bring those areas into compliance with the controlling statutes or regulations. Districts are encouraged to incorporate the corrective action into their district and school improvement plans, including their professional development plan.

The Department of Education believes that the Coordinated Program Review process is a positive experience and that the Final Report should be seen as a helpful planning document for the continuing development of programs and services in the school district or charter school.

REPORT INTRODUCTION

A six-member Massachusetts Department of Education team visited Lexington Public Schools during the week of December 3, 2001 to evaluate the implementation of selected criteria in the program areas of special education and Title I and of selected civil rights criteria in the district's methods of administration (MOA). The team also visited classrooms of the LABBB Collaborative located at Lexington High School to evaluate the implementation of selected special education criteria. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district and in the collaborative. The onsite team would like to commend the following area that was brought to its attention and that it believes has a significant and positive impact on the delivery of educational services for students enrolled in the Lexington Public Schools. This area is as follows:

• The district's early literacy initiative has significantly reduced its referrals for special education evaluations.

The Department is submitting the following Coordinated 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 district's programs, together with information gathered by means of following Department program review methods:

- Interviews of 15 administrative staff.
- Interviews of 90 teaching and support services staff across all levels.
- Interviews of two parent advisory council (PAC) representatives.
- Interviews as requested by persons from the general public.
- Student record reviews: the Department selected a sample of 30 student records. Student records were first examined by local staff, whose findings were then verified by the onsite team using standard Department of Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Parent surveys: 31 parents of students with disabilities were sent surveys that solicited information regarding their experiences with the district's implementation of special education programs, related services and procedural requirements. 19 of these parent surveys were returned to the Department of Education for review by the onsite team.
- Observation of classrooms and other facilities. A sample of 18 instructional classrooms and other school facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are listed in the executive summary on the following pages. The findings in each program 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" or implemented in a "Commendable" manner. (Refer to the "Definition of Terms" section of the report.) Where criteria were found to be either "Partially Implemented" or "Not Implemented," the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. In some instances the team may have rated a requirement as "Implemented" but made a specific comment on the district's implementation methods that also may require response from the district or charter school.

Districts are expected to incorporate the corrective action into their district and school improvement plans, including their professional development plan.

COORDINATED PROGRAM REVIEW REPORT

EXECUTIVE SUMMARY

Lexington Public Schools

The following summary synthesizes the findings for criteria included in the Coordinated Program Review as they respond to essential questions which the Department has formulated for each of the components of the report. Note that a more detailed discussion of the onsite team's findings, together with the specific legal standards for each program area included in this review, follows this summary.

Component I: Assessment of Student Progress

Has the district implemented an assessment system that uses appropriate instruments, is conducted according to the specified timelines, and covers the appropriate content areas to determine instructional needs of students?

The Lexington Public Schools has developed an assessment system that uses appropriate and valid instruments for assessing students. Regular education teachers, however, do not always participate in the process to the extent required by regulation, and teacher assessments are not always included in the evaluation record. Parents surveyed by the Department of Education indicated that the district does not always provide parents with detailed evaluation summaries before the Team meeting. IEPs do not always identify accommodations for students during testing, and transition planning does not begin early enough. Lexington's compliance with the timelines specified by state and federal regulation is hampered by the evaluation Teams' failing to issue the Individualized Education Program (IEP) immediately following the Team meeting. In many cases, district personnel believed they could provide the IEP within 10 school days of the conclusion of the Team meeting, a practice no longer in compliance with state regulation. A strength of the district is its use of MCAS to measure student performance and the programmatic needs of students receiving Title I services.

Component II: Student Identification and Program Placement

Has the district followed procedures for student identification and placement into the program according to the criteria specified in regulations?

Lexington Public Schools' outreach and child find activities are effective and comprehensive. The district provides for screening of young children throughout the school year and has well-established procedures to ensure the effective transition of young children from early intervention programs. The placement process and the number of programs available, however, require improvement. The process of IEP development and of student placement has a tendency to be guided by what programs and services exist. IEP Teams do not always provide clear justification for the removal of students from the general education setting: in some cases, curriculum modification might have been sufficient to prevent such removal. A major concern was the number of special education referrals of METCO students and the number of placements of METCO students into the emotional/behavior programs. These numbers certainly warrant examination by the district. Implementation of a student's IEP is dependent upon a school-based approach to staffing. This approach has led to variation across the district in implementing IEPs. The district has implemented all of the Title I requirements in this component except that it does not consult parents on the criteria to be used for the identification of students eligible for Title I services.

Component III: Parental Involvement

Has the district ensured that parents are notified in the appropriate language and are involved in decisions regarding their children's programs and services? Where appropriate, does the district involve community representatives in shaping programs?

Staff interviews indicated that parents are actively included in decisions regarding their children's programs and services; however, student records indicated that parents are not always provided with required notices. Written parental consent to an evaluation or a reevaluation was not always evident in the student record, and services are sometimes provided before consent is received. The district has difficulty providing limited English proficient parents with interpreters and with documents translated into their first language. Though the district has written policies on parental involvement in the Title I program, it was not clear exactly how parents have been included in the planning and writing of those policies.

Component IV: Curriculum and Instruction

Does the district hold all students to high expectations and standards? Are programs designed to maximize student performance and students' participation in the general curriculum? Is curriculum throughout the districts' programs aligned with the Massachusetts Curriculum Frameworks? Has the district provided for coordination across program areas?

Lexington Public Schools holds all students to high standards, staff interviews indicated that the district's curriculum is not fully aligned with the Massachusetts Curriculum Frameworks in all areas. However, personnel strive to meet the expectations of the state for successful student performance. Interviews indicated some staff resistance to changing existing curriculum throughout the district's programs. The district lacks a range of services for intellectually impaired students, does not sufficiently oversee the implementation of IEPs either in or out of the district and lacks policies and procedures on students in institutional settings. Surveys and interviews of parents of special education students raised additional concerns about the district's minimal oversight of out-of-district programs. It implements all the requirements in this component for the Title I program.

Component V: Student Support Services

Has the district ensured that all students have equal access to programs and services? Does the district provide support to students who need it?

Parents of English as a Second Language (ESL) students have raised concerns about the availability of support for ESL students at the elementary school level. Special education students with behavioral issues are removed from their programs for more than 10 days without adequate documentation to the special education department or adequate procedural safeguards, the removal thus constituting an unapproved change of placement. Furthermore, evaluation Teams do not always include behavior intervention plans in IEPs when required, and the use of "annex rooms" amounts to the use of an undocumented restraint. The district needs to complete its procedures for the use of restraint and train its staff in this area.

Component VI: Faculty, Staff and Administration

Does the district maintain certified staff in the specific program areas, provide supervision of aides and tutors, and provide ongoing professional development? Are program leadership and oversight effective? Are the district's personnel procedures non-discriminatory and does it seek to recruit employees from all groups?

The onsite review team noted that not all special education staff are appropriately certified to carry out the responsibilities assigned to them, nor have they sought waivers from the Department of Education. Paraprofessionals are extensively used, and in some cases, are designing special education instruction. Professional development in the area of special education is predominantly aimed at special education and not regular education staff, in some cases hindering special education and regular education service providers from taking joint responsibility for the education of students with disabilities. The district curriculum accommodation plan needs to be completed and staff trained on it. The district maintains nondiscriminatory policies and procedures and makes extensive efforts to diversify its group of employees. Title I staff are appropriately certified; the district does not currently employ Title I tutors or aides.

Component VII: School Facilities

Does the district maintain accessible facilities that are conducive to learning, facilitate integration, and provide equal opportunity for students to achieve?

The high school is undergoing reconstruction; however, a concern is noted in the body of this report regarding the comparability of space currently used for special education at the high school, as well as of space used for special education at the Hastings School. Both comparability and accessibility problems were noted in the LABBB program facilities at Lexington High School.

Component VIII: Program Plan and Evaluation

Does the District have written program plans where required that are evaluated according to specific regulatory requirements? Does it use the results of its evaluations to improve programs? Do parents have opportunities for input on needs, program implementation, evaluation, and improvement?

The district has used outside evaluators and consultants to evaluate special education programs. While it was clear that student assessment results are used in determining the effectiveness of existing programs and designing future programs, it was evident that information gathered from IEP annual reviews to use in the evaluation of programs. The district evaluates its programs to ensure that they are nondiscriminatory and reviews its curriculum to ensure that curriculum materials are free from stereotyping. Title I services are evaluated annually at the school level and administratively across the district; the evaluation includes an needs assessment.

Component IX: Record keeping

Does the District maintain required records and documentation for each specific program area? Are federal entitlement grants appropriately designed, amended, and monitored?

The onsite review team noted that student records do not always contain current, signed IEPs. This could affect the accuracy of the district's special education count. Records are kept in a secure location. Federal grants are designed by the appropriate administrators and monitored to ensure full implementation.

LABBB Collaborative:

The only instances of noncompliance found by the onsite team in reviewing the LABBB Collaborative were the problems of comparability and accessibility of facilities noted in the summary of Component VII above and described under SE 55 in that component.

DEFINITION OF TERMS

FOR THE RATING OF EACH COMPLIANCE CRITERION

Commendable Any requirement or aspect of a requirement

implemented in an exemplary manner significantly beyond the requirements of law or regulation.

Implemented The requirement is substantially met.

Implementation in Progress In reference to compliance criterion MOA 17A, new

Board of Education requirements became effective on April 2, 2001 regarding the use of physical restraint in publicly funded education programs. The district is currently engaged in staff training and is beginning implementation practices for these new requirements which the Department's onsite team anticipates will result in substantial compliance by the end of the 2001-

2002 school year.

Partially Implemented The requirement, in one or several important aspects, is

not entirely met.

Not ImplementedThe requirement is totally or substantially not met.

Not Applicable The requirement does not apply to the school district or

charter school.

COMPONENT I: ASSESSMENT OF STUDENT PROGRESS

The criteria in this component examine whether the District has implemented an assessment system that uses appropriate instruments, conducted according to the specified timelines and covering the appropriate content areas to determine instructional needs of students for the program areas listed below:

- Special Education (Report Issues # SE 1- SE 14)
 - Title I (Report Issues # TI 1-4)

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENT PROGRESS		
		Legal Standard	
SE 1	Assessments are appropriately selected and interpreted for students referred for evaluation		
	1. Tests and other	Tests and other evaluation materials are:	
	a.	a. validated	
	b.	administered and interpreted by trained individuals	
	c.	tailored to assess specific areas of educational need	
	d.	selected and administered to reflect aptitude and achievement levels	
	e.	as free as possible from cultural and linguistic bias	
	f.	provided in the student's native language or other mode of communication where feasible	
	g.	not the sole criterion for determining an appropriate educational program	
	h.	not only those designed to provide a single general intelligence quotient	
	i.	are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure	
	j.	technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors	
	2. In interpreting	g evaluation data and making decisions, the district:	
	a.	uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent	
	b.	ensures that information obtained from these sources is considered	
	c.	ensures that the placement decision conforms with placement in the least restrictive environment	
	d.	includes information related to enabling the student to be involved in and progress in the general curriculum	
	State Regulations 28.04	Federal Requirements 300.532, 300.535	
	Rating: Implemented	District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
SE 2	Required and optional assessments 1. Required assessments: The following assessments are completed by appropriately credentialed and trained specialists for each referred student: a. Assessment(s) in all areas related to the suspected disability (ies) including consideration of any needed assistive technology devices and services and/or instruction in	
	Braille. b. Educational assessment by a representative of the school district, including a history of the student's educational progress in the general curriculum.	
	c. Assessment by a teacher(s) with current knowledge regarding the student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum, as well as an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.	
	d. For a child being assessed to determine eligibility for services at age three (3), an observation of the child's interactions in the child's natural environment or early intervention program is strongly encouraged together with the use of current assessments from early intervention Teams to avoid duplicate testing.	
	 Optional assessments: The Administrator of Special Education may recommend or the parent may request one or more of the following: a. A comprehensive health assessment by a physician that identifie medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records. b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination. c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent 	
	3. At the re-evaluation of a student, if the Team decides that no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parents the following: a. that no further assessments are needed and the reasons for this; and b. the right of such parents to request an assessment.	

CRITERION NUMBER		
	Legal Standard	
	State Regulations	Federal Requirements
	28.04 (1) and (2)	300.532; 300.346.(a)(2)(v)
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings: *The review of student records showed that the teacher assessment required by part 1.c. of this* criterion is not always included as part of the student's evaluation record.

CRITERION NUMBER		
	Legal Standard	
SE 3	Special requirements for determination of specific learning disabilities When the district proposes to evaluate a child suspected of having a specific learning disability, the following requirements are implemented: Team membership: The district ensures the Team includes at a minimum the parent, the child's regular classroom teacher appropriate to the age of the child and at least one person qualified to conduct individual diagnostic examinations of children. Criteria for determining the existence of a specific learning disability: 1. the achievement is determined not to be commensurate with the age and ability of the child; 2. a severe discrepancy exists in one or more areas between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill and reading comprehension, mathematics calculation and reasoning; 3. the severe discrepancy between ability and achievement is not resulting from visual, hearing or motor impairment, mental retardation, emotional disturbance or environmental, cultural or economic disadvantage. Required observation of the child: 1. at least one Team member other than the child's regular teacher observes the child's academic performance in the regular classroom setting; 2. if the child is less than school age, the observation is conducted in an environment appropriate for a child of that age. Written documentation of the Team's determination of eligibility due to the presence of a specific learning disability includes the following: 1. statement whether the child has a specific learning disability; 2. the basis for making the determination; 3. the relevant behavior noted during the observation of the child; 4. the relationship of that behavior to the child's academic functioning; 5. the educationally relevant medical findings, if any; 6. statement whether there is a severe discrepancy between achievement and ability that is not correctable without special education and/or related services; and 7. the determination	

CRITERION NUMBER		
		Legal Standard
	or economic disadvantage. Required written certification of Team members: Each Team member certifies in writing whether the report reflects his or her conclusion. If not, the Team member submits a separate statement presenting his of her conclusions.	
	State Regulations	Federal Requirements 300.540-543
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 4	procedures employed, the define in detail and in eastudent's needs, offering recommend appropriate specific classrooms or second 2. Summaries of assessment	nts are completed prior to discussion by the Team hade available to the parent at least two days in
	State Regulations 28.04(2)(c)	Federal Requirements 300.532
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 5	 Participation in general State and district-wide assessment programs All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs. The district's IEP Teams designate how each student will participate and, if 	

CRITERION NUMBER		
	Le	egal Standard
	necessary, provide an alternate assessment.	
	State Regulations Federal Requirements 300.138; 300.139	
	Rating: Partially Implemented	District Response Required: Yes

The student record review indicated that some IEPs do not clearly identify accommodations for students for district-wide and MCAS testing. The accommodations students receive during general instruction do not always correspond with the accommodations identified on the students' IEPs. The onsite review team found that in some instances testing accommodations are not described under the appropriate section of the IEP.

CRITERION NUMBER			
	Legal Standard		
SE 6	Determination of transition services		
	1. For a student who is 14 years of age, the Team considers the student's course of study in relation to the student's future goals and documents this in the IEP.		
	2. For a student who is 16 years of age, or younger if appropriate, the Team includes in the IEP services that promote movement of the student from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.		
	3. The transition services are based upon the student's needs, taking into account the student's preferences and interests and includes specially designed instruction, community experiences, the development of employment or other post-school adult living objectives, and, if appropriate, the acquisition of daily living skills and functional vocational evaluation.		
	4. For any student approaching graduation or the age of twenty-two, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c.71, §12A-§12C (known as Chapter 688).		
	5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives.		

CRITERION NUMBER		
	Leg	al Standard
	6. The district ensures that students age 14, or younger if appropriate, are invited to and attend Team meetings at which transition services are discussed or proposed	
	State Regulations M.G.L. Ch.71B, Sections 12A-C	Federal Requirements 300.344(b), 300.347
	603 CMR 28.05(4)(c)	
	Rating: Partially Implemented	District Response Required: Yes

Staff interviews and the review of student records indicated that transition planning does not begin until the age of sixteen. Student involvement at the age of fourteen in planning future activities is minimal.

CRITERION NUMBER	
	Legal Standard
SE 7	Transfer of parental rights at age of majority and student participation and consent at the age of majority 1. One year prior to the student reaching age eighteen, the district informs the student of his or her right at age 18 to make all decisions in relation to special education programs and services. 2. Upon reaching the age of eighteen, the school district implements procedures to obtain consent from the student to continue the student's special education program. 3. The district continues to send the parent written notices and information but will no longer have decision-making authority, except as provided below. (a) If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction (b) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making

CRITERION NUMBER		
	Legal Standard	
	any court actions to decision-making to he choice is made in the school district and or	aching the age of majority and in the absence of the contrary, may choose to delegate continued his or her parent, or other willing adult. Such the presence of at least one representative of the ne other witness and is documented in written in the student record.
	State Regulations	Federal Requirements
	M.G.L. Ch. 231, Sec 3A 603 CMR 28.08(5),	300.347(c), 300.517
	Rating: Partially Implemented	District Response Required: Yes

While the district has a notice for informing students and parents of the transfer of rights at the age of majority, the student record review indicated that this notice is not always documented in the student files.

CRITERION NUMBER			
	Legal Standard		
SE 8	Evaluation Team composition The following persons are members of the evaluation Team:		
	1. The child's parents		
	2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.		
	3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson)		
	4. A teacher who has recently had or currently has the student in a classroom or other teaching situation. If the student is involved or may be involved in a regular education program, a regular education teacher must be included as a Team member.		
	5. The student, age fourteen and older, if he/she chooses		
	6. Other individuals at the request of the student's parents		
	7. At least one teacher or specialist trained in the area of the student's suspected special needs		
	8. Individuals who are qualified to interpret the instructional implications of evaluation results		
	9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education		
	10. When one purpose of the Team meeting is to discuss transition services, the		

CRITERION NUMBER		
	Legal Standard	
	student age sixteen or older (or younger, if appropriate) is a part of Team process. If the student does not attend the Team meeting, the school district ensures that the Team is informed of the student's interests and preferences. When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting. If the representative(s) does not attend the meeting, the school district takes other steps to obtain the participation of these agencies.	
	State Regulations 28.02(22)	Federal Requirements 300.344; 300.552
	Rating: Partially Implemented	District Response Required: Yes

The student record review indicated that regular education teachers do not always attend Team meetings and do not always contribute to the development of the IEP for those students that participate in general education. Staff interviews indicated that the evaluation Team is not always composed of the required Team members when students are placed in an out-of-district program.

CRITERION NUMBER			
	Legal Standard		
SE 9	Eligibility determination: Timelines for evaluation, provision of IEP and/or identification of other needed instructional programs		
	1. Within forty-five school working days after receipt of the parent's writter consent to an initial evaluation, unscheduled evaluation, or re-evaluation		
	school district:		
	a. provides an evaluation		
	b. convenes a Team meeting		
	c. determines whether the student has one or more disabilities	•	
	d. determines if the student is making effective progress in sch		
	e. determines if any lack of progress is a result of the student's disability	i	
	f. determines if the student requires special education and/or re		
	services and/or accommodations in order to make effective part or that the student requires related services in order to access general curriculum		
	g. develops an IEP where the student is found to need special education		
	h. provides the parent with the proposed IEP, or a written explain of the finding of no eligibility	anation	

CRITERION NUMBER		
	Legal Standard	
	and/or the studen reading or math or maladjustment, the instructional prog j. determines at the to make progress education service 2. If a Team determines that a stable eligible for accommodation student is referred for consider regular education program. 3. When the development of a stable program is and or mathematically appropriate the student is referred for consider regular education program.	udent is not eligible for special education but may n(s) for disability (ies) under Section 504, the ration by the district for eligibility under that udent's IEP does not indicate a need for direct nding of no eligibility and appropriate services are
	State Regulations Federal Requirements	
	28.05(1) and (2)	300.534
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
		Legal Standard
SE 10	End of school year evaluations If consent is received within thirty (30) to forty-five (45) school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) days after the end of the school year.	
	State Regulations 28.05(1)	Federal Requirements 300.342
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 11	School district response to parental request for independent educational evaluation If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements: 1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed. 2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district. 3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of	
	the evaluation with which the parent disagrees. If the parent is requesting an evaluation in an area not assessed by the school district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent. Menever possible, the independent educational evaluation is completed and written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or	
	privately funded) and whether a new or amended IEP is appropriate. State Regulations Federal Requirements 300.503(a)(3)(i)	

CRITERION NUMBER		
	Leş	gal Standard
	Rating: Partially Implemented	District Response Required: Yes

The district's responses to parental requests for independent educational evaluations (IEE) do not meet the requirements of state regulations. The review of student records indicated that the district does not proceed to the Bureau of Special Education Appeals (BSEA) when it refuses to fund an independent educational evaluation.

CRITERION NUMBER		
		Legal Standard
SE 12	 Frequency of re-evaluation Every three years, or sooner if necessary, the school district, with parental consent, conducts a full three-year re-evaluation consistent with the requirements of federal law. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education. 	
	State Regulations 28.04(3)	Federal Requirements 300.536
	Rating: Implemented	District Response Required: No

Legal Standard	
 Progress Reports and content 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. 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. 	
State Regulations	Federal Requirements
28.07(3)	20 U.S.C. Chapter 33, Section 1414(d)(1)(A)(viii)
	 Parents receive reports of the IEP at least as often a students. Progress report informati student's progress toward the extent to which such goals by the end of the years. State Regulations

CRITERION NUMBER		
		Legal Standard
		300.347
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
		Legal Standard
SE 14	Annual review Team meeting At least annually, on or before the anniversary date of the implementation of the IEP, a Team meeting (including the major service providers and the parent) is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.	
	State Regulations 28.04(3)	Federal Requirements 300.343(c)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	TITLE 1 I. ASSESSMENT OF STUDENT PROGRESS	
	Legal Standard	
TI 1	MCAS testing has been used to measure the progress of schools and the school district, and the proficiency of students in the academic subjects, adopted by Massachusetts, which reflects challenging content and student performance standards.	
	1111(b)(3)(D)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	I	Legal Standard
TI 2	In a Schoolwide Program all students are assessed in the selected grades during grade spans 3-5, 6-9, 10-12. 1114 (c)(1)(B)(I) ESEA,IASA	
	Rating: Not Applicable	District Response Required: No

Department of Education Findings:Lexington Public Schools does not have schoolwide programs.

CRITERION NUMBER		
	Le	gal Standard
TI 3	In Targeted Assistance Schools (schools with less than 50% poverty) either: 1. all Title I identified students who are being served, or 2. all students are assessed in at least one grade of each of the spans (3-5, 6-9, and 10-12.)	
	1115 (c)(1)(A) ESEA,IASA	District Day of the No.
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Lega	l Standard
TI 4	MCAS and other local assessment results are analyzed in at least mathematics and reading/language arts and are used a) to determine program needs of students most at risk, b) to inform Title I program design and services, and c) to evaluate the impact on student achievement.	
	1111 (b)(3) ESEA, IASA	
	Rating: Implemented	District Response Required: No

COMPONENT II: STUDENT IDENTIFICATION AND PLACEMENT

The criteria in this component examine whether the district has followed procedures for student identification and placement into the program according to the criteria in regulations for the program areas listed below:

- Special Education (Report Issues # SE 15-23)
- Civil Rights Methods of Administration (MOA) (Report Issues # MOA 1-6)
 - Title I (Report Issues # TI 5-9)

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	I	egal Standard
SE 15	groups below from which promotion	quent outreach and continuous liaison with those in or transfer of students in need of special ich would include ich would ich would include ich would
	State Regulations	Federal Requirements 300.125; 300.312
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 16	Screening
	1. The school district conducts screening for three and four year olds and for all children who are of age to enter kindergarten. Such screening is designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services.
	2. Participation in the screening program for three and four year olds is optional on the part of the parents.
	3. Provision is made for ongoing and periodic screening of all students as

CRITERION NUMBER		
		Legal Standard
	required by the Department of Public Health (vision, hearing, and posture).	
	State Regulations 28.03(1)(d) Chapter 71, section 57	Federal Requirements
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
]	Legal Standard
SE 17	 Initiation of services at age three and Early Intervention transition procedures The school district encourages referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs. 	
	State Regulations 28.06(7)(b)	Federal Requirements 300.24(b)(3); 300.121(c); 300.132; 300.342(c)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 18A	IEP development and content	
	1. Upon determining that the student is eligible for special education, the Team,	
	including the parent(s), develops an IEP at the Team meeting using the	
	evaluation data to guide development of measurable, annual goals and	
	objectives/benchmarks for the student. If the district chooses to draft any	
	element(s) of the IEP for discussion, the Team Chairperson ensures that those	
	elements are genuinely considered prior to adoption at the Team meeting.	
	All ideas and needs of the child as expressed by all Team members,	
	especially the parents, are genuinely considered by the district prior to	

CRITERION NUMBER		
	Lega	al Standard
	proposing the IEP. 2. The IEP includes specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or consists solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements. 3. In developing the IEP, the Team proposes specially designed instruction and related services according to the needs of the child and not according to the availability of such instruction or related services. 4. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Education. Where applicable, the district includes in the IEP, or other notice to the parent, information regarding the implementation of any necessary restraint procedures for students as required under 603 CMR 46.00. 5. If the Team members are unable to agree on the IEP, the Team chairperson states the elements of the IEP proposed by the school district. 6. The school district ensures that each IEP Team has at least one person with authority to commit the resources of the district and that whatever services are set out in the IEP will actually be provided and that the IEP will not be changed at a higher administrative level within the district.	
	8. State Regulations	Federal Requirements
	28.05(3), (4), (6) and (7)	300.340-300.350; 300.343(a)
	28.06(2)	34 CFR Part 300, Appendix A, Question #22.
	Rating: Partially Implemented	District Response Required: Yes

The student record review indicated that the evaluation Team does not always develop placement pages (PL1); in addition, some records indicated that the current mandated placement forms (revised PL1) are not used by Teams. Staff interviews and the student records reviewed showed that annual goals are not always measurable. Services are offered based on the availability of current services within the district and not on the individual needs of the students. The review of student records further showed that the placement is identified during the development of the IEP itself and that the specially designed instruction is not clearly documented by the Team. Staff interviews indicated that at annual review meetings there is not always a person in attendance with the authority to commit the resources of the school district.

CRITERION NUMBER		
	Legal S	tandard
SE 18B	 IEP. 2. Unless the student's IEP requires som educated in the school that he or she was special education. 3. The decision regarding placement is barelated services that are to be provided those services are to be provided. The placement selected by the Team is consistent with the needs of the studer. 5. Immediately following the development working days after receipt of the parent or reevaluation, the district provides the proposed IEP and proposed placement the proposal of placement may be delated CMR 28.06(2)(e) in a limited number. State Regulations 28.05(6) and (7) 	s been fully developed, the Team to deliver the services on the student's e other arrangement, the student is yould attend if the student did not require assed on the IEP, including the types of I to the child, the type of settings in which types of service providers, and the location od. Is the least restrictive environment att. Int of the IEP, and within 45 school att's written consent to an initial evaluation are parent with two (2) copies of the along with the required notice, except that typed according to the provisions of 603 of cases. Federal Requirements
	Ratings: Implemented	Response: No

SE 19

Extended evaluation

If the Team finds a student eligible for special education and finds the evaluation information insufficient to develop a full or partial IEP, the Team, with the parents' consent, agrees to an extended evaluation period.

- 1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine eligibility and to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring.
- 2. The extended evaluation period is not be used to allow additional time to complete the required assessments and does not deny programs and services to

Rating: Implement	ed District Response Required: No
State Regulations 28.05(2)(b)	Federal Requirements
findings and determination in appropriate. The evaluation, but in determination are 4. The extended exeight school week	isents to an extended evaluation, the Team documents their termines what evaluation time period is necessary and the types eeded to determine eligibility and/or develop an IEP, if the Team may decide to meet at intervals during the extended an all cases reconvenes promptly to make their eligibility and/or develop an IEP when the evaluation is complete. It is related to the extended that the evaluation may extend longer than one week, but does not exceed the extended that the evaluation is not considered a placement.

CRITERION NUMBER			
	Le	gal Standard	
SE 20	 Least restrictive program selected The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, 		
	3. The district does not remove a classroom solely because of n State Regulations	classroom solely because of needed modification in the curriculum. State Regulations Federal Requirements	
	28.06(2)(a) Rating: Partially Implemented	300.130; 300.550-300.556 District Response Required: Yes	

The review of student records indicated that evaluation Teams do not always provide clear justification for the student's removal from the general education setting. Staff interviews indicated that curriculum is not always modified to meet the needs of the student within regular education. Further, interviews indicated that the lack of a range of programs and services for intellectually impaired students leads to their placement into more restrictive settings.

CRITERION NUMBER		
	Legal Standard	
SE 21	 School day and school year requirements The school district ensures that every eligible elementary level student is scheduled to receive a minimum of 900 hours per school year of structured learning time and every secondary school student is scheduled to receive a minimum of 990 hours per school year of structured learning time unless otherwise provided for below. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary. The daily duration of the child's program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the child. Specialized transportation schedules do not impede a student's access to a full school day and program of instruction. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student's IEP reflect the comprehensive nature of the educational program required. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs. State Regulations Federal Requirements Chapter 69, section 1G 	
	Rating: Partially Implemented District Response Required: Yes	

Staff interviews indicated that the potential need for extended day and year services is not always discussed at Team meetings at the middle school level. Extended year services are considered only if a program already exists. Staff interviews at the high school level indicated that extended year services and options do not exist.

CRITERION NUMBER		
	Legal Standard	
SE 22	 IEP implementation and availability Where the IEP of the student in need of special education has whole or in part by that student's parent, the school district proagreed upon services without delay. At the beginning of each school year, the district has an IEP in eligible student within its jurisdiction. Each teacher and provider described in the IEP is informed of responsibilities related to the implementation of the student's The school district does not delay implementation of the IEP or classroom space or personnel, provides as many of the service IEP as possible and immediately informs parents in writing of services, reasons for delay, actions that the school district is tallack of space or personnel and offers alternative methods to me the accepted IEP. Upon agreement of the parents, the school dalternative methods immediately until the lack of space or personnel and offers alternative methods immediately until the lack of space or personnel and offers alternative methods immediately until the lack of space or personnel and offers alternative methods immediately until the lack of space or personnel and offers alternative methods immediately until the lack of space or personnel and offers alternative methods immediately until the lack of space or personnel and offers alternative methods immediately until the lack of space or personnel. 	his or her specific IEP. lue to lack of s on the accepted any delayed king to address the eet the goals on listrict implements
	State Regulations Federal Require 28.05(7)(b): 28.06(2)(b)(2) 300.342	ments
	28.05(7)(b); 28.06(2)(b)(2) 300.342 Rating: Partially Implemented District Response Recognition	quired: Yes

Staff interviews and IEP service verification indicated that services specified on the service delivery grid are not always provided to students. Furthermore, interviews indicated no clear process for disseminating information about staff responsibilities for the implementation of student IEPs.

CRITERION NUMBER		
	Legal Standa	ard
SE 23	Confidentiality of personally identifiable information The district protects the confidentiality of any personally identifiable information that is collected, used or maintained in accordance with federal and state law.	
	State Regulations 603 CMR 23.00 (Student Records Regulations)	Federal Requirements 300.560-576; Family Educational Rights and Privacy Act (FERPA)
	Rating: Partially Implemented Dist	trict Response Required: Yes

The onsite review team found that the district has brought the requirements of the student record regulations to the staff's attention, however; staff indicated limited knowledge of the requirements, and an access log for student records was recently instituted.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
MOA 1	Identification of limited English proficient students The district uses qualified staff and appropriate procedures and assessments to annually classify and evaluate students who are limited English proficient and who need special language assistance.	
	Title VI; MGL, Ch.76, Section 5	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 2	Program modification for limited English proficient students Placement and program modification for limited English proficient students For students requiring special language assistance, the district makes necessary program modifications to effectively serve limited English proficient students. Title VI; MGL, Ch.76, Section 5	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 3	Access to a full range of education programs All students in grades 7-12, including linguistic and/or racial and ethnic minorities, males/females and students with disabilities, have access to the general education program and the full range of any occupational/vocational education programs offered by the district.	
	Title II, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
MOA 4	Placement of linguistic, racial minority and female/male students Patterns of placement in district programs and services for disabled students, linguistic and racial minority students, and females are consistent with those for non- disabled students, linguistic and racial majority students, and males; enrollment in honors courses, especially math and science honors courses, is inclusive of both females and males and of students from diverse ethnic and cultural groups. Title VI; Title IX; S. 504; MGL, Ch.76, Section 5	
	Rating: Partially Implemented District Response Required: Yes	

Staff interviews indicated that students in the METCO program are over-represented in special education.

CRITERION NUMBER		
	Legal Standard	
MOA 5	Placement of disabled students in occupational/vocational education programs When occupational/vocational placement needs of disabled students are being considered: a. persons knowledgeable about a student's disabilities are present at 504 or special education TEAM meetings and participate in ongoing communication regarding a student's progress b. an array of occupational/vocational education programs and services are available to facilitate necessary program modifications and to meet the identified needs of students.	
	Title II, S. 504	
	Rating: Partially Implemented District Response Required: Yes	

Department of Education Findings:

Staff interviews indicated that Lexington Public Schools lacks a sufficient array of occupational/vocational programs to meet the identified needs of disabled students.

CRITERION NUMBER		
	Legal Standard	
MOA 6	Availability of in-school programs for pregnant students Pregnant students are permitted to remain in regular education 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. Title IX	
	Rating: Implemented District Response Required: Yes	

The onsite team found that while students are permitted to remain in class with their peers, the district has not developed a written policy on this matter.

CRITERION NUMBER	TITLE 1 II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
TI 5	Targeted Assistance Schools: a description is available of the multiple, objective, educationally-related criteria used to identify eligible students in grade 3 and above who are failing or most at-risk of failing to meet the high quality student performance and assessment standards required of all students.	
	1115 (b)(1)(B) ESEA,IASA 200.28 (Federal Register) CFR; 200.63 (c)(3)(i) (Federal Register) CFR.	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	L	egal Standard
TI 6	on teacher judgment, parental interv	nool through grade 2 students are selected based iews and developmentally appropriate measures.
	1115 (b)(1)(B) ESEA,IASA	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 7	Targeted Assistance Schools: The criteria for the identification of students are developed in consultation with parents, administrators, and pupil services personnel. 1115 ESEA,IASA; 1112 (b)(6) ESEA,IASA	
	Rating: Partially Implemented District Response Required: Yes	

Department of Education Findings:Documentation indicated that parents are not consulted on the criteria for the identification of students.

CRITERION NUMBER		
	Legal Standard	
TI 8	There is evidence that students with limited-English proficiency are identified as eligible and selected for Title I services on the same basis as other children selected to receive services.	
	1115(b)(2)(A)(i) ESEA, IASA; 200.63 (c)(3)(ii) (Federal Register) CFR	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
TI 9	There is evidence that students with special education needs are identified as eligible and selected for Title I services on the same basis as other children selected to receive services.	
	1115(b)(2)(A)(i); 200.63 (c)(3)(ii) (Federal Register) CFR	
	Rating: Implemented	District Response Required: No

COMPONENT III: PARENTAL INVOLVEMENT

The criteria in this component examine whether the district has ensured that parents are notified, in the appropriate language, and are involved in decisions regarding their children's programs and services for the program areas listed below:

- Special Education (Report Issues # SE 24-32)
- Civil Rights Methods of Administration (MOA) (Report Issue # MOA 7)
 - Title I (Report Issues # TI 10-11B)

CRITERION NUMBER		L EDUCATION AL INVOLVEMENT	
	Legal Standard		
SE 24	 of FAPE A student may be referred for an excaregiving or professional position When a student is referred for an exeducation, the school district sends school days of receipt of the referra Notice is given by the district within the Special Education Admin reasons for the referral and the natural structure. The district provides parents with a Administrator of Special Education to be used and the proposed content to be used and the proposed content of the school district does not limit a special education evaluation becau attempted some or all of the availal interventions available in general edistrict's Curriculum Accommodat The school district refuses to conditional careful and the proposed content of the school district refuses to conditional careful and the proposed content of the school district refuses to conditional careful and the school district refuses to careful and the school district refuses	valuation by a parent or any person in a concerned with the student's development. valuation to determine eligibility for special written notice to the child's parent(s) within 5 al. In a reasonable time for all other actions, dent's parent(s) with an opportunity to consult istrator or his/her designee to discuss the are of the proposed evaluation an opportunity to consult with the are or his/her designee regarding the evaluators to fall required and optional assessments parent's right to refer a student for timely see the district has not fully explored and/or oble instructional support programs or other ducation that may be described in the ion Plan, including any pre-referral program. Let an initial evaluation only when the ear that there is no suspicion of a disability	
	Rating: Partially Implemented	District Response Required: Yes	

Department of Education Findings:The district's written notice to the parent to re-evaluate a special education student was not always contained in the student record.

CRITERION NUMBER	
	Legal Standard
SE 25	Parental consent In accordance with state and federal law, the school district obtains informed parental consent as follows: 1. The school district obtains written parental consent before conducting an initial evaluation or making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation

CRITERION NUMBER	
	Legal Standard
	 and before placing a student in a special education placement subsequent to the initial placement in special education. The school district obtains consent before initiating extended evaluation services. The school district obtains consent to the services proposed on a student's IEP before providing such services. The school district obtains consent prior to placing a student in an initial special education placement and for any subsequent placement. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the child. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the child. If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through Special Education Appe
	State Regulations 28.07(1) Federal Requirements 300.500(b)(1)
	Rating: Partially Implemented District Response Required: Yes

Notices containing the written consent of parents to evaluate or re-evaluate the student (notice N1A) were not always in the student records. Staff interviews indicated that services are sometimes provided before parental consent is received.

CRITERION NUMBER		
	Leg	al Standard
SE 26	 that makes decisions on the educa The Administrator of Special Edumeeting early enough to ensure th The district schedules the meeting documents such efforts. If neither parent can attend, the diparticipation, including individual conferencing. In cases where the district, after reparents' participation in Team me 	th parents of a child are members of any group tional placement of their child. cation notifies parent(s) in writing of any Team at they have an opportunity to attend. at a mutually agreed upon time and place; and strict uses other methods to ensure parent or conference telephone calls, or video asonable efforts, is unable to obtain the eting discussions and decisions, the district ocuments its attempts to facilitate the parents'
	State Regulations	Federal Requirements
	28.02(22) Rating: Partially Implemented	300.345(d), 300.501 District Response Required: Yes

Staff interviews indicated that in the rare instances that Team meetings are held without parents the district does not sufficiently document its attempts to elicit parent participation.

CRITERION NUMBER		
		Legal Standard
SE 27	the content requirements se seeks the consent of the par parent with the opportunity the student's skills or abiliti	luation required by 603 CMR 28.04(1)(a) meets all of t forth in MGL c.71B, §3, and in federal law and ent for any evaluation to occur, and provides the to express any concerns or provide information on less and to consult regarding the evaluators to be used. The arm meeting states the purpose, time and location of
	State Regulations 28.04(b)	Federal Requirements 300.503-504
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
		Legal Standard
SE 28	procedural safeguards and p Immediately following the de- district provides the parents w	velopment of the IEP and without undue delay, the with a copy of the proposed IEP or a written explanation for special education together with the required notice
	State Regulations 28.05(7)	Federal Requirements 300.345(f)
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
		Legal Standard
SE 29	Communications are in English and primary language of home 1. Communications with parents 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 that all such communications are documented. 2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (1) that it has provided such notice in an alternate manner, (2) that the content of the notice and (3) the steps taken to ensure that the parent understands the content of the notice.	
	State Regulations	Federal Requirements
	28.07(g) Rating: Not Implemented	300.345(e) District Response Required: Yes

Student records indicated that the IEP and notices are written only in English even when a language other than English is the primary language of the home. There was no evidence within the student record that a translator is made available at the Team meeting to assist parents or that documents are translated into the necessary language. Staff interviews indicated that there is a reliance on the student, a sibling, or other relatives to translate oral communications and written documents. They

also indicated that translators in low-incidence languages are unavailable.

CRITERION NUMBER		
		Legal Standard
SE 30		nts' rights tal rights contains all required elements included in the Massachusetts Parent's Rights Brochure.
	State Regulations MGL c. 71B, Sec. 3	Federal Requirements 300.503-504
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
		Legal Standard
SE 31	 When a student is without surrogate parent to be appoup upon request of the Departs student assists in identifyin surrogate parent. Upon assignment by the Determinant the rights and responsibilities eligibility and services for Department provides notice agency with custody of the surrogate parent has no condistrict or any state or local. A person identified by the an educational surrogate parent district except that the school expenses related to the exessurrogate parent for a student. 	district and willing to serve as an educational flict of interest and is not in the employ of the school agencies involved with the care of the student. district, appointed by the Department, and serving as rent does not receive financial remuneration from the ol district reimburses the person for reasonable reise of his or her responsibilities as an educational nt enrolled in the district.
	State Regulations 28.07(7)	Federal Requirements 300.515
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 32	 Parent advisory council for special education The school committee has established a parent advisory council on special education. Membership on the council is offered to all parents of children with disabilities and other interested parties. The parent advisory council duties include but are not limited to: advising the school committee on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school committee's special education programs. The parent advisory council has established by-laws regarding officers and operational procedures. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws and makes written materials explaining such rights available upon request. State Regulations Federal Requirements Chapter 71B, sec. 1C; 28.07(4)
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION III. PARENTAL INVOLVEMENT	
	Legal Standard	
MOA 7	General information and materials in languages other than English When students have parents or guardians with limited English language skills, the following are published in language(s) other than English and disseminated to all relevant recipients: general announcements, counseling materials, notices of extracurricular activities, and information regarding school recruitment and promotional activities. Title VI; MGL, Ch.76, Section 5	
	Rating: Not Implemented District Response Required: Yes	

The district did not provide documentation of general announcements, counseling materials and

notices of extracurricular activities in languages other than English. The documentation included was specific to the activities of the Chinese TBE parent advisory council and was insufficient to meet the requirements of this criterion.

CRITERION NUMBER	TITLE 1 III. PARENTAL INVOLVEMENT		
NONBER			
	Legal Standard		
TI 10	The program demonstrates evidence of having met the following Title I requirements: • parents are involved in writing, and have agreed upon, both the district's and school's written parental involvement policies; • plans/policies are developed which ensure that parents are involved in program planning, implementation and review; • parents are involved in a timely, organized, and ongoing manner in the planning, review, and improvement of programs; • parents are provided the following information in a timely manner: - school performance profiles and their child's individual assessment results and interpretation of those results; - a curriculum description and explanation, forms of assessment used, and expected proficiency levels; - opportunities for regular meetings; - and timely responses to parental suggestions • parents are involved in School-Parent Compacts and annual assessment of the effectiveness of parent involvement; and • an annual Title I informational meeting is conducted for parents together with other pertinent meetings of interest to parents.		
	1118 (a)-(e) ESEA,IASA Potings Portially Implemented District P. P. J. J. Voc.		
	Rating: Partially Implemented District Response Required: Yes		

Department of Education Findings:

Staff interviews and documentation did not explain exactly how parents are involved in planning and establishing written "parental involvement policies" for Title I.

CRITERION NUMBER		
	L	egal Standard
TI 11	All policies and procedures regarding parental involvement are in writing and available and/or distributed to Title I parents in a language and form that they can understand.	
	1118 (f) ESEA,IASA Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 11A	The district provides materials and training to Title I parents to enable them to improve their children's achievement. (e.g., curriculum descriptions; school performance profiles)	
	1118(e)(2)(A) and (B)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 11B	Parents of Title I students have equal opportunity to be represented on local School Councils.	
	The Education Reform Act of 1993 Rating: Implemented District Response Required: No	

COMPONENT IV: CURRICULUM AND INSTRUCTION

The criteria in this component examine whether the district holds all students to high expectations and standards and ensures that the program areas reviewed are designed to maximize student performance within regular education and are implemented according to specific regulatory requirements with respect to learning time, class size, staffing ratio, and age spans. The criteria also examine if the district has provided for coordination across the following program areas:

- Special Education (Report Issues # SE 33-42)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 8-9)
 - Title I (Report Issues # TI 12-14F)

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
SE 33	 Involvement in the general curriculum District personnel reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum. The district has either aligned its district curriculum with the Frameworks or has taken steps to provide students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. In the IEP the district documents the student's participation in the general curriculum. 		
	State Regulations	Federal Requirements	
	28.05(4)(a) and (b)	34 CFR 300.347(a)(1)(i); 300.137	
	Rating: Implemented	District Response Required: No	

CRITERION NUMBER		
	Leg	al Standard
SE 34	Continuum of alternative services and placements The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.	
	State Regulations	Federal Requirements 300.551;300.305; 300.123
	Rating: Partially Implemented	District Response Required: Yes

Teachers do not always provide accommodations before referring students for special education evaluations. Staff interviews indicated that Lexington Public Schools lacks sufficient vocational services for students. The district lacks a range of services to meet the learning needs of students identified as intellectually impaired; consequently, students are placed into settings that are more restrictive than necessary.

CRITERION NUMBER		
		Legal Standard
SE 35	 Specialized materials and assistive technology Specialized materials and equipment specified in IEPs are provided, are of good quality and are suitable for the role they play in the IEP. The school district provides evidence that assistive technology is considered for each eligible student and, if necessary, described in the IEP and provided by the district. 	
	State Regulations	Federal Requirements 34 CFR 300.308, 34 CFR 300.346
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal	Standard
SE 36	 consent. The district oversees in an ongo in-district and each out-of-distrit to by a child's parents. The district makes a good faith and objectives or benchmarks li The district provides all program child's parents. Each time the school district province insurance proceeds to support the district obtains the parent's consto permit the school district to a the district of its responsibility to 	re implemented without delay upon parent sing manner the full implementation of each ct IEP it proposes which has been consented effort to assist the child to achieve the goals sted in the IEP. In and services without expense to the ecosts of IEP implementation, the school sent and informs the parents that their refusal eccess their private insurance does not relieve to ensure that all required services are
	provided at no cost to the parent State Regulations 28.06(3) Rating: Partially Implemented	Federal Requirements 300.142; 300.350 District Response Required: Yes

Staff interviews indicated that when the Team prescribes educationally related therapy services in the IEP, the district does not always assume total fiscal responsibility: parents sometimes pay for a portion of the expense. In addition, staff interviews indicated that there is no clear district oversight to ensure the full implementation of student IEPs.

CRITERION NUMBER			
	Legal Standard		
SE 37	Procedures for approved and unapproved out-of-district placements 1. Individual student program oversight: The school district monitors the provision of services to and the programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Education, or to the out-of-district placement. 2. Student right to full procedural protections: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement. 3. Preference to approved programs: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department. 4. Written contracts: At a minimum, the school district enters into written contracts with all public and private out-of-district placements. Such contracts meet the content requirements of 28.06(3)(f)(1-5). 5. Use of unapproved programs: A school district that places a student in a program that has not been approved by the Department		

CRITERION NUMBER		
		Legal Standard
	educationally additionally will provide student unde evaluation is for review. Such site visi review. The	ppropriately implement the student's IEP in a safe and appropriate environment. Such evaluation determines whether the unapproved facility can and the student with all the rights that are accorded to the a state and federal special education law. Such documented in detail and placed in the student record to the extent that this evaluation requires a site visit, at are documented and placed in the student record for duty to evaluate the appropriateness of any unapproved delegated to the parents or their agents or the proposed facility.
	c. School distri Massachuset in a school se that such sch committee u	ect approval to operate a private school in ts: If services in an unapproved program are provided etting, the Administrator of Special Education ensures ool has received approval from the local school nder MGL c.76, §1 and a copy of such approval is e student record.
	and Auditing Administrate for programs forms are conthe price pro	uant to the requirements for Compliance, Reporting for Human and Social Services at 808 CMR 1.00, the r obtains pricing forms required to set program prices receiving publicly funded students. Such pricing mpleted by the proposed placement and document that posed for the student's tuition is the lowest price imilar services to any student in that program.
	e. Notification the Team de the Adminis student and the addition, the placement an with the info govern such pursuant to the documentati and the steps district main funded stude program price f. Out of state p placement ou received app	of the Department of Education: Prior to placement, if termines that placement in such facility is appropriate, trator notifies the Department of the intent to place the he name and location of the proposed placement. In Administrator forwards the notice of proposed and completed pricing forms to the Department along rmation on the proposed terms of the contract that will placement and documentation of a monitoring plan of 3 CMR 28.06(3)(b). The district maintains any on of the Department's objections to such placement the district has taken in regard to such objection. The tains documentation of the approved price for publicly as set by the state agency responsible for setting test. Orograms: If out-of-district programs are provided in a straide of Massachusetts, and such school has not roval by the Department under 603 CMR 28.09, the
		r of Special Education ensures that such school has roval from the host state.
	State Regulations 28.02(13), 28.06(3)	Federal Requirements 300.2(c)

CRITERION NUMBER		
	Leg	al Standard
	Rating: Partially Implemented	District Response Required: Yes

Student record review showed documentation of monitoring plans or monitoring activities are not placed in the student record.

CRITERION NUMBER		
		Legal Standard
SE 38	Educational services in institutional settings (ESIS) Department of Education responsibility: In cases where the Department precertain special education services to eligible students in certain facilities of or under contract with the Department of Mental Health, the Department of Services, County Houses of Corrections, or the Department of Public Health Department retains the discretion to determine, based upon resources, the tamount of special education and related services that it provides in such facts School district responsibility: 1. The district implements its responsibilities to students in institutional solution action on requests for evaluation, issuing proposed IEPs in a timely material providing special education and/or related services in accordance with federal law. 2. Where a student's IEP requires a type or amount of service that the facinot provide, it remains the responsibility of the parent's school district implement the student's IEP by arranging and paying for the provision service(s). 3. The parent's school district coordinates with the state agency to ensure student receives an evaluation, an annual review, and special education as identified at a Team meeting convened by the parent's school district state Regulations Federal Requirements Education actions are the Department of Education as identified at a Team meeting convened by the parent's school district state Regulations Federal Requirements	
	Rating: Not Implemented	District Response Required: Yes

Department of Education Findings:

While the district does not now have students in an ESIS institution, policies or procedures regarding students in such settings were not included in the documentation submitted to the Department of Education.

CRITERION NUMBER	Г		
	Legal Standard		
SE 39	Procedures used to provide services to eligible students enrolled schools at private expense 1. On or before December 1, the district determines the number private school students in consultation with private school re 2. To the extent that the school district provides and pays for special education and/or related services for eligible students enrolled in private schools at private schools at private expense and whose parents reside in the jurisdict district. The school district provides to such children geropportunities to participate in the public school special expense and whose parents reside in the jurisdict district. The school district provides to such children geropportunities to participate in the public school special expense and an IEP for any eligible private school child whose paths jurisdiction of the school district. The evaluation mathe public school, the private school, or an appropriate of facility, and the school district ensures that a representation private school is invited to participate as a member of the totological school services are provided by the child's district ensures that special education services funded with funds are provided in a public school facility or other public. When services are provided using only federal funds provided on public or private school grounds. d. The district does not withdraw or withhold services from because the school district has met the spending requirem law. 3. Special education services and/or related services provided by the private school child are comparable in quality, scope, and oppor participation to that provided to public school children with need importance. 4. The district ensures that programs in which both public and private children participate do not include classes that are separated on school enrollment or the religious affiliation of the children. State Regulations Federal Requirements 300.450-300.462	r of eligible presentatives. Decial education ivate expense, vices designed private schools at ion of the school nuine ducation. Iluation services arent resides in y take place in portracted ive of the child's expecial is IEP and the thing state or local blic or neutral is, services are a child solely ments of federal interest in a child solely ments of federal interest in a child solely ments of equal interest in a child solely ments of federal interest in	
L	K T T T T		

CRITERION NUMBER		
	Legal Standard	
SE 40	 The size and composition of in receiving services outside the genthe methods and goals stated in the methods and goals stated in for smaller instructional groups. When eligible students are assing general education classroom for group size does not exceed eight twelve (12) students if the cert sixteen (16) students if the cert sixteen (16) students served in solely students with disabilities schedule, the district provides (8) students to one certified spensive special educator and an aide. After the school year has begun size as delineated in paragraph Special Education and the cert instructional group may decide by no more than two additional compatible instructional needs neighborhood school. In such cases, the Administrate and the parents of all group method group size and the reasons for sizes are in effect only for the sizes outlined in paragraph 3 of steps are documented by the district takes all steps necessizes are documented by the district takes are documented takes are documented to the province are documented to the distric	direments are maximum sizes and the school letermining appropriate group size and supports a serving students with complex special needs. In grouping soutside of the ser 60% or less of the students' school schedule, and the special educator is assisted by one aide, and ified special educator is assisted by two aides. Settings that are substantially separate, serving as for more than 60% of the students' school instructional groupings that do not exceed eight exial educator or twelve (12) students to a certified and, if instructional groups have reached maximum as 3 and 4 of this criterion, the Administrator of fried special educator(s) providing services in an to increase the size of an instructional grouping a students if the additional students have and then can receive services in their for provides written notification to the Department moders of the decision. Such increased instructional group year in which they are initiated.
	State Regulations 28.06(6)	Federal Requirements
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 41	Age span requirements The ages of the youngest and oldest child in any instructional grouping do not differ by more than forty-eight months. A written request for approval of a wider age

CRITERION NUMBER		
	Legal Standard	
	range is submitted to the Commissioner of Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Education.	
	State Regulations 28.06(6)(f)	Federal Requirements
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 42	Programs for young children three and four years of age General requirements: 1. The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four years. 2. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements. 3. Where appropriate, the school district elects, consistent with federal requirements to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible children to public school services. 4. Where appropriate the Team allows a child to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday).	
	5. <u>Inclusionary programs</u> for young children are located in a setting that includes children with and without disabilities and meet the following standards: a. Services in such programs are provided in the home, the public	
	school, Head Start, or a licensed childcare setting. b. For public school programs that integrate children with and without disabilities, the class size does not exceed twenty (20) with one teacher and one aide and no more than five (5) students with disabilities. If the number of students with disabilities is six (6) or seven (7) then the class size does not exceed fifteen (15) students with one teacher and one aide.	
	6. Substantially separate programs for young children are located in a public school classroom or facility that serves primarily or solely children with disabilities.	

Legal Standard		
a. Substantially s 50% of the ch b. Substantially s	50% of the children have disabilities.	
State Regulations	Federal Requirements	
	300.342(c) District Response Required: No	
	a. Substantially s 50% of the ch b. Substantially s sizes to nine (s	

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
MOA 8	Accessibility of extra curricular activities Extra curricular activities sponsored by the district are non-discriminatory in that: X the school provides equal opportunity for male and female students to participate in intramural and interscholastic sports X extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation and disability. X Title II; Title IX; S. 504; MGL, Ch.76, Section 5	
Rating: Implemented District Response Required:		

Staff interviews indicated that METCO students are unable to participate in extracurricular activities because of transportation issues.

CRITERION NUMBER	
	Legal Standard
MOA 9	Promotional, recruitment, and employment practices of prospective employers of students The district ensures that promotional efforts and recruitment and employment practices and materials aimed at students, including career days, work study, cooperative work experience and apprenticeship training programs, are free of bias

CRITERION NUMBER		
	Legal Standard	
	and discrimination by:	
	X depicting students from both sexes and under represented groups in all pictorial representations	
	 X making clear in written materials that all options are open to students regardless of race, color, sex, religion, national origin, sexual orientation or disability X requiring employers recruiting at the school to sign a statement that they do not discriminate in hiring or employment practices 	
	Title I, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER	TITLE 1 IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
TI 12 - TAS	Title I services provided to students are designed to assist the students to meet the expectations and standards of the regular education curriculum and of the state curriculum frameworks.	
	1115 (c)(1)(D) (ii) ESEA,IASA; 1001 (a)(1); 1001 (d)(1) ESEA,IASA	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
TI 13 - TAS	There is an established process for coordination and collaboration of Title I services with the instructional and assessment programs provided in regular education, special education, TBE/ESL, vocational education, early childhood (including Even Start and Head Start), and for the Homeless.	
	1112 (b)(4)(A-B); 1115 (c)(1)(E);1120(b)(a)ESEA,IASA	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
TI 14 - TAS	Efforts are being made to minimize removing students from the regular classroom	

CRITERION NUMBER		
	Legal Standard	
	during school hours. Title I inclusion services are provided in a manner to accelerate learning and do not result in in-class pull-out models.	
	1115(c)(1)(D)(iii) ESEA,IASA	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 14A - TAS/SWP	The school district provides opportunities for Title I students to participate in extended day/week/year programs and activities which may be funded through the integration of district resources. 1115(c)(1)(D)(i) ESEA, IASA	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 14 - SWP	A comprehensive Schoolwide Programs (SWP) plan has been developed with involvement of community to be served and individuals who will carry out the plan, including: • teachers, principals and other staff, and where appropriate • pupil services personnel, • parents, and • secondary school students, if applicable.	
	Rating: Not Applicable District Response Required: No	

Department of Education Findings:Lexington Public Schools does not have a schoolwide Title I program.

CRITERION NUMBER		
	Legal Standard	
TI 14A -	The comprehensive SWP plan is in effect for the duration of the school's	

CRITERION NUMBER			
	Legal Standard		
SWP	participation and reviewed and revised, as necessary, by the school.		
	1114(b)(2)(C)(iii) ESEA,IASA; 200.6(e)(3) and (4)(Federal Register)(CFR)		
	Rating: Not Applicable District Response Required: No		

Lexington Public Schools does not have a schoolwide Title I program.

CRITERION NUMBER		
	Legal Standard	
TI 14B - SWP	The SWP plan includes a comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards.	
	1114(b)(1)(A) ESEA, IASA; 200.6(d)(1)(i)(Federal Register)(CFR)	
	Rating: Not Applicable District Response Required: No	

Department of Education Findings:

Lexington Public Schools does not have a schoolwide Title I program.

CRITERION NUMBER		
	Legal Standard	
TI 14C - SWP	The SWP plan includes reform strategies that provide opportunities for all children to meet the State's proficient and advanced levels of student performance. 1114(b)(1)(B)(i) ESEA, IASA; 200.6(d)(2)(i) (Federal Register (CFR)	
	Rating: Not Applicable District Response Required: No	

Department of Education Findings:

Lexington Public Schools does not have a schoolwide Title I program.

CRITERION NUMBER		
	Legal Standard	
TI 14D -	The district acts to fully implement its assurance that it provides technical assistance	

CRITERION NUMBER		
	Legal Standard	
SWP	and support to schoolwide programs and works in consultation with these programs as they develop and implement such plans. 1112(c)(1)(B) and (C) ESEA, IASA	
	Rating: Not Applicable	District Response Required: No

Lexington Public Schools does not have a schoolwide Title I program.

CRITERION NUMBER		
	Legal Standard	
TI 14E - SWP	In providing technical assistance and support to schoolwide programs, the district ensures that the programs and plans contain all required schoolwide components and plan requirements.	
	1112(c)(1)(B); 1114(b)(1) and (2) (Federal Register)(CFR)	
	Rating: Not Applicable	District Response Required: No

Department of Education Findings:

Lexington Public Schools does not have a schoolwide Title I program.

CRITERION NUMBER		
	Legal Standard	
T1 14F - SWP	The schoolwide plan is made available to school district staff, parents, and the public, and the information contained in such plan is translated, to the extent feasible, into any languages that a significant percentage of parents of participating children in the school speak as there primary language.	
	1114(b)(2)(C)(iv) ESEA, IASA; 200.6(e)(2)(iii) and (iv) (Federal Register)(CFR)	
	Rating: Not Applicable District Response Required: No	

Department of Education Findings:

Lexington Public Schools does not have a schoolwide Title I program.

COMPONENT V: STUDENT SUPPORT SERVICES

The criteria in this component examine whether the district has ensured that all students have equal opportunity and access to programs or services in the program areas listed below:

- Special Education (Report Issues # SE 43-49A)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 10 –17A)
 - Title I (Report Issues # TI 15-18)

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
SE 43	Behavioral interventions For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions, ability to follow school discipline codes, any needed code modifications and the possible need for a functional behavioral assessment.	
	State Regulations	Federal Requirements 300.346
	Rating: Partially Implemented	District Response Required: Yes

Student records and staff interviews indicated that the IEP Team does not fully document behavioral interventions in the student's IEP. The district makes use of "annex rooms" that essentially function as "timeout" rooms. In some instances, the use of the annex rooms constitutes an undocumented restraint.

CRITERION NUMBER		
	Legal Standard	
SE 44	Procedure for recording suspensions The district has a procedure to record the number and duration of suspensions, including any suspensions from any part of the student's IEP program (including transportation).	
	State Regulations	Federal Requirements 300.121(d)(2)
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

Staff interviews and student record review indicated that suspensions are not documented in the student record and that some school administrators do not notify the special education department of the number and duration of suspensions. In addition, in-house suspensions are not counted or reported to the special education department.

CRITERION NUMBER		
		Legal Standard
SE 45	 requirements All students, including eligible notice regarding the school's The school's Code of Conductory Any eligible student may be simplementation of procedure After a student with special regar, during any subsequent services for the student to conduct education. The school provides addition disabilities prior to any suspection. 	ct includes required procedural safeguards such as
	State Regulation	Federal Requirements 300.519-300.529
	MGL c. 76, sec. 16-18 Chapter 71, section 37 H	300.319-300.329
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 46	Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. Prior to a suspension that constitutes a change in placement of a student with disabilities, the Team convenes a. to develop or review a functional behavioral assessment of the student's behavior to modify a behavior intervention plan or develop an assessment plan; b. to identify appropriate alternative educational setting(s); and c. to determine the relationship between the disability and the behavior - "a manifestation decision" (Is IEP appropriate? Is placement appropriate? If there was a behavior plan, was it implemented? Does

CRITERION NUMBER		
	Legal Standard	
	student understand impact and consequences of his/her behavior? Can student control behavior?). 3. If the Team determines that the behavior is NOT a manifestation of the disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the district must still offer an appropriate education program to the student with disabilities which may be in some other setting. 4. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 days a. if the behavior involves weapons or illegal drugs or another controlled substance while at school or a school function; or b. if the district provides evidence that the student is "substantially likely" to injure him/herself or others and a hearing officer orders the alternative placement; and c. the interim alternative education setting enables the student to continue in the general curriculum, to continue receiving services identified on the IEP, and provides services to address the problem behavior. 5. If the Team determines that the behavior IS a manifestation of the disability, then the district takes steps (with the consent of the parent) to correct the IEP, the placement, or the behavior intervention plan and does not suspend the student again during the school year. 6. The school district provides written notice to the parent of all rights to appeal and to an expedited hearing. If the parent chooses to appeal, during the appeal the student stays put in the placement on the last accepted IEP or the interim alternative placement, unless the parent and the school district agree otherwise. State Regulations Federal Requirements 300.519-300.528	
	Rating: Partially Implemented District Response Required: Yes	

Staff interviews indicated that suspensions of special education students are not always reported and that the method of reporting suspensions varies from school to school. In addition, in-house suspensions are not counted or reported to the special education office to ensure that students with special needs are not removed from their program for more than ten days. According to staff interviews, when there emerges a pattern of suspensions, including in-house suspensions, that requires the initiation of a manifestation determination, that determination is not conducted.

CRITERION NUMBER		
	Legal Standard	
SE 47	for special education 1. If, prior to the disciplinary act be a student with a disability, the student until and unless the eligible. The district may be a. The parent had ext b. The parent had rec. School district state disability. 2. If the district had no reason to requests an evaluation subsequents to conduct at the student is found eligible, to subsequent to the finding of extended to the discount of the student is found eligible, to subsequent to the finding of extended to the student is found eligible.	ped procedures consistent with federal
	State Regulations Federal Requirements 20 U.S.C. Chapter 33, Section 1415(k)	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 48	FAPE (Free, appropriate, public education): Equal opportunity to participa in educational, nonacademic, extracurricular and ancillary programs, as well participation in regular education All students receiving special education, regardless of placement, shall have an ecopportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of t school. Programs, services and activities include, but are not limited to: 1. art and music 2. vocational education, industrial arts, and consumer and homemaking education	

CRITERION NUMBER		
	Legal Standard	
	3. work study and employment of	ppportunities
	4. counseling services	
	5. health services	
	6. transportation	
	7. recess and physical education, including adapted physical education	
	8. athletics and recreational activities	
	9. school-sponsored groups or clubs	
	10. meals	
	State Regulations	Federal Requirements
	28.06(5)	300.121; 300.300-313
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:See the finding under SE 34 in Component IV above.

CRITERION NUMBER		
	Legal Standard	
SE 49	Related services For each student with special education needs found to require related services, the school district 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: 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 7. counseling services, including rehabilitation counseling 8. orientation and mobility services (peripatology) 9. medical services for diagnostic or evaluation purposes 10. school health services 11. social work services in schools, and 12. parent counseling and training.	
	State Regulations 28.02(19)	Federal Requirements 300.24
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 49A	Special Transportation	
	If the IEP specifies that the student's disability requires transportation or specialized transportation arrangements in order to benefit from special education, the district implements these provisions of the student's IEP. 1. The Team determines necessary modifications, special equipment, assistance, need for qualified attendants on vehicles, and any particular precautions required by the student and documents such determinations in the student's IEP. If specialized arrangements can be provided on regular transportation vehicles, the school district makes such arrangements. 2. The district arranges to have eligible students who use wheelchairs transported in vehicles that do not require such children to be removed from their wheelchairs in order to enter or leave the vehicles; provided, however, that this requirement is not applicable where a Team or the student's physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons. 3. The Team specifies whether the student requires assistance in or out of the home, on or off of the vehicle, and in or out of the school. If such assistance is specified, the district ensures that it is provided. 4. The Team specifies if the student has a particular need or problem that may cause difficulties during transportation, such as seizures, a tendency for motion sickness, behavioral concerns, or communication disabilities. 5. The school district does not allow transportation considerations to influence, modify, or determine the educational program, including the length of the school day, required by any student.	
	State Regulations Federal Requirements 28.05(5)(b)	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
MOA 10	Notification of school district staff and the general public At the beginning of each school year, students, parents, employees, and the general public are: X notified that all programs, activities and employment opportunities are offered without regard to race, color, sex, religion, national origin, sexual orientation and disability X given the name(s), address(es) and telephone number(s) of Title VI, Title IX	

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
	and Section 504 coordinator(s)	
	Title VI; Title IX; S. 504; MGL, Ch.76, Section 5	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
MOA 11	Publication of notices of non-discrimination All publications for students, parents and employees, including written materials and other media used to publicize a school, specifically affirm that the school does not discriminate on the basis of race, color, sex, religion, national origin, sexual orientation or disability.	
	Title VI; Title IX; Section 504; MGL, Ch.76, Section 5	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
MOA 12	Grievance procedures Written grievance procedures for students and for employees covering Title VI (race, national origin), Title IX (sex equity), and Section 504 (disability) have been adopted and published, and a grievance process is in place that provides prompt and equitable resolution.	
	Title II, Title VI, Title IX, S. 504	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 13	Availability of information to prospective occupational/vocational students All students in grades 7-9, including those in special education and English as a second language programs, receive counseling and information on the full range of general curricular and any occupational/vocational opportunities available to them.	
	Title VI, Title IX, S. 504 Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 14	Counseling materials and activities free from bias and stereotypes To ensure that materials and activities are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation or disability, all counselors: X encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills	
	 X examine testing materials for bias and counteract any found bias when administering and interpreting test results X communicate effectively with limited English-proficient and disabled students and facilitate their access to all programs and services offered by the district X support students in non-traditional educational and occupational pursuits for their gender 	
	Title II, Title VI; Title IX; S. 504; MGL, Ch.76, Section 5	
	Rating: Partially Implemented District Response Required: Yes	

Documentation and staff interviews indicated that guidance counselors do not have procedures for reviewing materials for bias and stereotyping and instead rely upon publishers to produce bias-free materials.

CRITERION NUMBER	
	Legal Standard
MOA 15	Non-discriminatory administration of scholarships, prizes and athletic awards Scholarships, prizes and athletic awards sponsored or administered by the district are free of restrictions based upon race, color, sex, religion, national origin, sexual

CRITERION NUMBER		
	Legal Standard	
	orientation or disability with the following exceptions: X when making athletic awards to members of single sex teams, awards are in proportion to the number of students of each gender participating in interscholastic competition X when accepting outside assistance (i.e. wills, trusts) for awards that would discriminate, the district provides an alternative source of funding to erase the discriminatory effect	
	Title VI; Title IX; S. 504; MGL, Ch Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 16	Notice to students who have left or are about to leave school without a high school diploma	
	school diploma The district provides timely notice in writing (in English and the student's native language with a copy to parents) to students age 16-21 who have left or are about to leave school without obtaining a high school diploma or its equivalent and which includes the following information: a. their attendance is voluntary; b. their right to meet with a school representative to discuss the reasons for withdrawal; c. their rights to return to school; and d. all program options available to them.	
	MGL, Ch. 76, S.18	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
MOA 17	Codes of conduct and student handbooks	
	1. All school and district codes of conduct and student handbooks contain a nondiscrimination policy based on race, color, sex, religion, national origin, sexual orientation and disability.	
	2. The district has complaint resolution procedures that include the disciplinary	

CRITERION NUMBER		
	Legal	Standard
	measures that may be imposed upon students who harass or discriminate. 3. The principal of each school ensures that the district and school codes of conduct are distributed annually to students, parents and school personnel.	
	Title VI, Title IX, Section 504, MGL, Ch.76, Section 5	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
MOA 17A	Use of physical restraint on any student enrolled in a publicly funded education program		
	1. The district has developed and implemented staff training at least annually on the use of restraint consistent with regulatory requirements.		
	2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint.		
	3. The district has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students.		
	4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Education consistent with the regulations.		
	5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations.		
	603 CMR 46.00		
	Rating: Implementation in Progress District Response Required: Yes		

Staff interviews indicated that many staff members are unaware of the new restraint regulations. Staff that were aware of the new restraint regulations lacked knowledge of the district's procedures. The school committee had not approved the district's procedures at the time of the onsite review, but draft procedures had been distributed to some staff within the district. Mandated staff training on restraint did not occur had not occurred by the time of the onsite review.

CRITERION NUMBER	TITLE 1 V. STUDENT SUPPORT SERVICES	
	Legal Standard	
TI 15	The program design serves to supplement, not supplant: • regular education • special education • transitional bilingual education • services for low incidence limited-English proficient students. 200.63 (Federal Register) CFR; 1115 (b)(2)(ii) ESEA,IASA	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Leg	al Standard
TI 16	Representatives from non-public school and/or Neglected or Delinquent (N or D) facilities are consulted and informed about the availability of Title I services and the priority needs of their schools.	
	200.10 (a) (Federal Register) CFR	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 17	The Title I services provided in non-public schools and N or D facilities are equivalent to those provided in public schools and minimize the use of pull-out program models.	
	1120(a), 200.10 (a) (Federal Register) CFR; 200.11(b) (Federal Register) CFR	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
TI 18	Additional assistance is provided through teacher-parent conferences for any students not meeting the standards to discuss: • what the school will do to help the student meet the standards; • what the family can do to help the student improve performance; and • additional assistance for the student at the school or elsewhere in the community. 1114(b)(1)(H)(iii)	
	Rating: Implemented District Response Required: No	

COMPONENT VI: FACULTY, STAFF AND ADMINISTRATION

The criteria in this component examine whether the district has certified staff, provides supervision of aides and tutors, and provides ongoing professional development in the program areas listed below. Additionally, the component examines whether the district implements an effective system of program leadership and oversight which fosters high standards and performance expectations for all students and staff consistent with the goals of applicable federal and state requirements and Education Reform Act of 1993.

- Special Education (Report Issues # SE 50-54)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 18-21)
 - Title I (Report Issues # TI 19-23)

CRITERION NUMBER	SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
SE 50	Responsibilities of the School Principal and Administrator of Special Education Principal:		
	 Instructional support. The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of MGL c. 71B, §2. The principal consults with the Administrator of Special Education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan adopted by the district to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systemic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The Plan includes teacher training in (1) analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles; (2) methods of collaboration among teachers, paraprofessionals and teacher assistants to acco		
	parental involvement. 3. Coordination with special education. The principal with the assistance of the Administrator of Special Education coordinates the delivery and		
	supervision of special education services within each school building. 4. Educational services in home or hospital. Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed		
	by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services		

CRITERION NUMBER	SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
	do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP. Administrator of Special Education: The school district has an appointed person to be its Administrator of Special Education. The Administrator supervises all special education for the school district and ensures compliance with all federal and state special education laws. As appropriate, and in accordance with the requirements of MGL c.71B, §3A, the Administrator may designate other school district personnel to carry out some of the duties of the Administrator.	
	State Regulations Federal Requirements 28.03(3)	
	Chapter 71, sec. 38Q and 38Q ½ as amended by FY '01 State Budget Out Side Sections 146 and 147	
	Rating: Partially Implemented District Response Required: Yes	

Staff interviews indicated that training on the district curriculum accommodation plan (DCAP) has not yet been completed. According to staff, some components of the DCAP and some professional development activities corresponding to components of the DCAP have been implemented. However, the district has not yet synthesized the disparate elements into a cohesive plan. Staff interviews indicated that school and district administrators are responsible for developing the DCAP, but that principals have not been actively involved in that development. Furthermore, staff interviews indicated that principals do not always coordinate school-based special education programs and services with the administrator of special education.

CRITERION NUMBER		
	Legal Standard	
SE 51	Appropriate special education teacher certification Individuals who design and/or provide direct special education services described in IEPs, or who supervise the provision of special education services by other teachers or paraprofessionals, are appropriately certified.	
	State Regulations 28.02(3) 603 CMR 7.00	Federal Requirements 300.23; 300.36
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 52		
	Appropriate certifications or other credentials related services 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 regular or special 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 Regulations	Federal Requirements
	28.02(3) Rating: Implemented	300.23; 300.24; 300.136 District Response Required: No

CRITERION NUMBER		
	I	egal Standard
SE 53	 Use of paraprofessionals Paraprofessionals and assistants (e.g., teacher aides, tutors and student teachers) are appropriately trained to assist in providing special education or related services. 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 Regulations	Federal Requirements 300.136(f)
	Rating: Partially Implemented	District Response Required: Yes

Staff interviews indicated that paraprofessionals are not appropriately trained to fulfill their responsibilities in implementing student IEPs. Furthermore, some paraprofessionals design special education instruction for students with disabilities.

CRITERION NUMBER		
	Legal Standard	
SE 54	for professional and paraprofessional which at a minimum include the followsis: 2) state and federal special education reducation policies and procedures; 3) confidentiality of student records; 4) training in analyzing and accommodin order to achieve an objective of in with diverse learning styles; 5) methods of collaboration among teal assistants to accommodate diverse learning in the provision of pre-refermentoring and collaboration and particular training for all locally hired and con unique needs of all students being transportation vehicles; and 8) in cooperation with the special eduction workshop annually within the districtions.	Il staff in developing training opportunities al staff and provides a variety of offerings lowing training topics offered on an annual equirements and related local special lating diverse learning styles of all students aclusion in the regular classroom of students chers, paraprofessionals and teacher earning needs of all students in the regular ral services within regular education, teacher rental involvement; tracted transportation providers on the ransported in regular and special ation parent advisory council, at least one et on the rights of students and their parents deral special education laws and makes ghts available upon request. Federal Requirements 300.382
	Rating: Partially Implemented	District Response Required: Yes

Staff interviews indicated that during the last school year special education providers only were trained in the new state regulations and IEP process. It was not evident that evaluation of district special education programs has led to any training. Regular education providers have not been trained in recent special education laws and regulations or accommodations and curriculum modification.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
MOA 18	School district employee recruitment activities The district's employee recruitment activities are aimed at reaching all groups, including bilingual/bicultural persons, females/males in nontraditional roles and persons with disabilities. When certain categories of employment show a disproportionate number of females/males, racial and ethnic group members or disabled persons, the district makes efforts to recruit for such positions members of the under represented groups. Title I, Title VI, Title IX, S. 504	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
MOA 19	Employment application and interview procedures Job application forms and interview questions conform to requirements regarding pre-employment inquiries of a candidate's race, ethnicity, age, marital and parental status, national origin, physical attributes, religious background, health, health history and physical or mental condition. Title I, Title VI, Title IX, S. 504	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 20	Non-discriminatory personnel policies and procedures	
	District personnel policies and procedures are free of discrimination and bias in the	
	following areas:	
	X employee hiring, upgrading, award of tenure, demotion, return from layoff and retirement are the same for both sexes	
	X employee pay schedules and rates of other compensation for all job categories provide equal pay for equal work	
	X fringe benefits for all job categories such as medical, dental, insurance, leave	
	(sick, personal, professional, parental, dependent care, bereavement) etc. are	
	the same for all employees.	

CRITERION NUMBER		
		Legal Standard
	Title I, Title VI, Title IX, S. 504	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
MOA 21	Staff training regarding civil rights responsibilities The district 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 disability, race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.	
	Title VI, Title IX, S. 504, MGL, Ch. 76, Section 5	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER	TITLE 1 VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
TI 19	All professional staff providing Title I services are appropriately certified or hold current waivers for their job title and function. Chapter 71, 38G	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
TI 20	Teacher aides work under the direct supervision and in close proximity of certified teachers who are employed in that capacity. 1119 (I)(1)(c) ESEA,IASA	
	Rating: Not Applicable District Response Required: No	

Department of Education Findings:There are no teachers' aides in the Lexington Title I program.

CRITERION NUMBER	
	Legal Standard
TI 21	 Professional development activities: support instructional practices that are conducive to the high achievement and challenging content expectations of the state's education reform efforts (e.g., Curriculum Frameworks); and are provided to all of the district's instructional staff who serve Title I eligible students. 1119 (b)(1)(A) ESEA,IASA
	Rating: Implemented District Response Required: No

CRITERION NUMBER		
	Legal	Standard
TI 22	Title I professional development activities are designed by principals, teachers, and other school staff to ensure that Title I students' needs are addressed. The district devotes sufficient resources to effectively carry out its responsibilities for professional development.	
	1119 (a)(2) ESEA,IASA; 1114(b)(1)(H)(i).	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
TI 23	improvement plan, improves the skills of development activities and by devoting to consecutive years, an amount equivalent school during 1 fiscal year (or otherwise carrying out professional development ac	ach school identified to be in need of improvement, as part of its school improvement plan, improves the skills of its staff by providing effective professional evelopment activities and by devoting to such activities, over a period of 2 consecutive years, an amount equivalent to 10% of the Part A funds received by the chool during 1 fiscal year (or otherwise document how the school is effectively arrying out professional development activities. Decisions about the use of these ands are made by teachers, principals, and other school staff in that school.	
	Rating: Implemented District Response Required: No		

COMPONENT VII: SCHOOL FACILITIES

The criteria in this component examine whether the district maintains facilities that are conducive to learning, facilitate integration, and provide equal access and opportunity for students to achieve in the program areas listed below:

- Special Education (Report Issues # SE 55)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 22-23)

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES Legal Standard	
SE 55	 Special education facilities and classrooms The school district provides facilities and classrooms for eligible students which maximize the inclusion of such students into the life of the school; provide accessibility in order to implement fully each child's IEP; are at least equal in all physical respects to the average standards of general education facilities and classrooms; and are given the same priority as general education programs for access to and use of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students. State Regulations Federal Requirements Section 504 of the Rehabilitation Act of 1973 	
	Rating: Partially Implemented	District Response Required: Yes

The Place program at the high school has a classroom partitioned to enable the operation of two classes, which has led to auditory distractions not conducive to instruction. The Hastings School has a special education program housed in a portable classroom. The current location of the LABBB collaborative is an area that is unsafe for the program's student population (ceiling tiles were missing and wiring and pipes exposed; extension cords and surge protectors were easily accessible to students). In addition, doors in the LABBB program facilities are inaccessible to the disabled students in the program.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VII. SCHOOL FACILITIES	
	Legal Standard	
MOA 22	Accessibility of district programs and services for students with limited physical mobility In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational programs and services offered at each level (preschool, elementary and secondary).	
	Title II of the Americans with Disabilities Act; S. 504; MGL, Ch. 71B; Individuals with Disability Act (IDEA-97)	
	Rating: Partially Implemented District Response Required: Yes	

Department of Education Findings:

See finding under SE 55 above. In addition, the stage area at the Bridge Elementary School and the music room at the Estabrook are inaccessible to students with limited mobility.

CRITERION NUMBER		
	Legal Standard	
MOA 23	Comparability of facilities and programs Where the district provides separate facilities or programs for members of a specific group, facilities and programs are comparable to those offered other students in the district, including: X separate classes and facilities for disabled, limited English-proficient or pregnant students that are comparable to the facilities, programs, equipment and services offered other students in the district; X changing rooms, showers and other facilities for students of one gender that are comparable in size, number and location to those provided students of the other gender.	
	Title II, Title VI, Title IX, S. 504, MGL, Ch. 76, Section 5	
	Rating: Partially Implemented District Response Required: Yes	

Department of Education Findings: *See finding under SE 55 above.*

COMPONENT VIII: PROGRAM PLAN AND EVALUATION

The criteria in this component examine whether the district has written programs plans that are evaluated according to specific regulatory requirements and whether parents have opportunities for input on needs, program implementation, evaluation, and improvement in the program areas listed below:

- Special Education (Report Issue # SE 56)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 24-25)
 - Title I (Report Issues # TI 24-26)

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION Legal Standard	
SE 56	evaluated. 2. The district develops method in assisting students with dis IEPs in the least restrictive e 3. The district uses information the effectiveness of special estrictives and administrative a developed. 4. As part of these evaluation p	ds for determining the effectiveness of programs abilities to achieve the goals set forth in their nvironment. It gathers from annual IEP reviews to measure education programs, and identifies programs, areas that need improvement or must be procedures, the district measures the success of local and statewide assessment results, drop out
	State Regulations	Federal Requirements
	Chapter 71B Chapter 71, sec. 59C	300.137
	Rating: Partially Implemented	District Response Required: Yes

Documentation and staff interviews indicated that outside evaluators and consultants are used to evaluate special education programs; however, it was unclear whether in these evaluations information gathered from IEP annual reviews is used to determine areas for improvement.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
MOA 24	Curriculum review process The district has a process to ensure that teachers in the district regularly review all instructional and educational materials for simplistic and demeaning generalizations, lacking intellectual merit on the basis of disability, race, color, sex, religion, national origin and sexual orientation.		lizations,
	MGL, Ch.76, Section 5		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER		
	Legal Standard	
MOA 25	Institutional self-evaluation The district has in place a comprehensive evaluation process to examine and remedy policies and programs that discriminate or limit educational access due to race, color, sex, religion, national origin, sexual orientation, or disability.	
	Title VI; Title IX; S. 504; MGL, Ch.76, Section 5	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	TITLE 1 VIII. PROGRAM PLAN AND EVALUATION	
	Legal Standard	
TI 24	A needs assessment and data analysis is conducted annually in each school to determine the types of programs and services to be provided to Title I students. Such assessment is conducted in consultation with school staff and parents.	
	1115 (c)(2)(B); IASA 1114 (b)(1)(A) ESEA,IASA	
	Rating: Implemented District Response Required: No	

CRITERION NUMBER		
	Legal Standard	
TI 24A	The effectiveness of the Title I program/services at each school is evaluated on at least an annual basis, and Title I program changes are implemented which reflect the recommendations of this evaluation. The Title I Schoolwide Plan is integrated into the school's Improvement Plan.	
	1115 (c)(2)(B)ESEA, IASA	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 25	Each Title I school identified in need of improvement develops an improvement plan in consultation with parents, the district, and the school support team, or revises its school plan in a manner that demonstrates the greatest likelihood of improving the performance of participating children.

CRITERION NUMBER		
		Legal Standard
	1116(c)(2)(C)(i) ESEA, IASA	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
TI 26	For districts with one or more Title I schools identified as in need the district: • provides technical or other assistance as the school develops a revises its school improvement plan. (Such technical assistance directly or by other entities with experience in helping schools achievement.);	nd implements	s or
	• (for the 2002-2003 school year) implements corrective action is school during the third year following identification, if the sch fail to make adequate yearly progress (e.g., withhold funds, revoperate a schoolwide program, reconstitution of school staff, expressions of the school staff, expressions are constitution of school staff.	ool continues voke authority	to
	 provides as many students as possible in an identified school v opportunity to transfer to another school in the district not in n improvement. 		
	1116(c)(4) and (5) ESEA, IASA 2763A-32 of P.L. 106-554 (Education Appropriations Act, 2001)		
	Rating: Implemented District Response Rec	quired: No	

COMPONENT IX: RECORD KEEPING

The criteria in this component examine whether the district maintains required records and documentation for the program areas listed below:

- Special Education (Report Issues # SE 57-58)
 - Title I (Report Issues # TI 27-29A)

CRITERION NUMBER		L EDUCATION ORD KEEPING
	Lega	l Standard
SE 57	 Special education child count A child count is maintained representing students with current, accepted IEPs who are provided, at a minimum, direct special education and/or related services to each student. The count is filed as part of annual school report by December 1 of each school year and provides an unduplicated listing of the number of students with IEPs in each program and does not reveal the identity of individual students or their parents. The child count also includes students with disabilities determined eligible for special education who are attending private schools at private expense and are receiving publicly funded services according to IEPs developed by the district. The district does not include as part of its special education child count students who are determined by the Department to be erroneously classified as eligible to be counted under federal or state special education requirements or who are no longer receiving special education and/or related services. 	
	State Regulations 603 CMR 23.00	Federal Requirements 300.750-754; 300.145; 300.560-
		300.577; Family Educational Rights and Privacy Act (FERPA); 300.133
	Rating: Partially Implemented	District Response Required: Yes

Student record review revealed that some records did not contain current, signed IEPs. Interviews indicated that some student data is inaccurate because of the failure to ensure that IEPs are kept current and are signed by parents.

CRITERION NUMBER	
	Legal Standard
SE 58	 Federal Special Education Entitlement Grant The district's Special Education entitlement grant is designed by appropriate local administrators who are responsible for the implementation of the local special education programs and services. Where necessary, appropriate local administrators amend the programmatic and budgetary sections of the grant according to procedures and timelines required by the Department of Education. Appropriate local administrators monitor the entitlement grant in an ongoing

CRITERION NUMBER		
		Legal Standard
	 approved it. 4. The district has secured the approval of the Department of Education for all amendments prior to their implementation. 5. The district spends at least a proportionate share of its federal special education funds on services for children enrolled in private schools at private expense. 	
	State Regulations	Federal Requirements
	28.03(1)(e) Rating: Implemented	300.230; 300.340-300.500 District Response Required: No

CRITERION NUMBER	IX	TITLE 1 . RECORD KEEPING
		Legal Standard
TI 27	For each split-funded staff member, the district maintains an appropriate log (time and efforts record) verifying the time actually spent on Title I activities.	
	200.63 (Federal Register) CFR	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Lo	egal Standard
TI 28	Documentation is on file at the local Title I office verifying comparability and the district is in compliance with such comparability. 1120 (A)(c)(3)(B) ESEA, IASA	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 29	The district has submitted all required reports to the Department of Education including the Local Title I Plan/Application and Performance and Achievement Report.
	The district maintains appropriate Title I records in a central location or at each Title I school and keeps correspondence on file, including documentation for identifying schools eligible for Title I services (Target Area Selection), and the form for determining school allocations.
	Information is made available to the Department regarding the allocation of Title I funds to schools and the rank order list and student selection criteria determined by the district.
	ESEA 1116 (d)(1)(A), 1111(b)(2)(A)(ii), 1120A(c)(2)
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 29A	Federal Title I Grant:
	The district's Title I grant is designed by appropriate local administrators who are responsible for the implementation of the local Title I programs and services.
	Where necessary, appropriate local administrators amend the programmatic and budgetary sections of the grant according to procedures and timelines required by the Department of Education.
	Appropriate local administrators monitor the grant in an ongoing manner to ensure its full implementation as the Department of Education has approved it.
	The district secures the approval of the Department of Education for all amendments prior to their implementation.
	Rating: Implemented District Response Required: No

APPENDIX: SCHOOL DISTRICT PROFILE INFORMATION

The school district information which is provided in this Appendix was drawn from data supplied by the school district. The Department's visiting team carefully reviewed this data as part of its planning for the onsite visit and in preparing this Coordinated Program Review Report. The information is periodically updated by the school district and is available in an evercurrent form on the Department's Internet web site at http://profiles.doe.mass.edu/. More detailed information on each school within the district is also available at this Web site.

School and District Profiles

Definitions of Terms

Profiles

The Massachusetts Department of Education collects information about schools and districts. Some of the information collected is published in School and District Profiles on DOE web pages. The information provides a snapshot of the educational picture in communities across the state.

Now districts view, add, update and delete their own district and school information over the web to make sure that the information is as up-to-date and accurate as possible. In addition, the general public will be able to view Directory information about each school district in the state. Individuals can retrieve for themselves information such as school personnel, school programs (e.g. School Choice and TBE) and the location of specialized services such as Special Education Collaboratives, and Vocational Training Programs.

The list below provides an explanation of information presented in the Profiles.

Directory Information

DOE Code: The DOE Code, also referred to as the Organization Code, is an eight digit numeric code assigned by the Massachusetts Department of Education to every organization listed in the Directory Profiles, including every district and school in the Commonwealth. For districts and schools, the first four digits represent the District Code and the last four digits represent the School Code. Thus the organization code "02660505" stands for "0266" (Sharon Public Schools) + "0505" (Sharon High). If a form requires the 8-digit DOE school code it is calling for the entire organization code.

Prior to the 2001 school year, organization codes contained six digits (three for the district and three for the school.) With the exception of some special needs schools, the eight digit codes are the same as the six digit codes with one zero added before the district code and another zero added before the school code. Thus, Sharon High's old six digit organizational code was 266505.

Please Note: The Department's Organization Code is not the same as the Institution codes assigned by the College board for SAT and AP results. Nor is it the same as the NCES code assigned to Massachusetts schools by the U.S. Department of Education.

Grades/Schools*: indicates the number and grade range of elementary, middle/junior high and high schools in the district, as well as the total number of schools in the district and the grade range of the school system. An elementary range beginning with "PK" indicates the district has pre-kindergarten. A high school range ending in "13" or "14" indicates the district has a post-graduate program. Kindergarten starting age indicates the age as of a particular date at which children are eligible to begin kindergarten.

Services: Services include:

- **Inter-district Choice:** indicates whether students from other districts may enroll in the district through the state school choice program, which is voluntary and on a space-available basis.
- **Intra-district Choice:** indicates whether the district has a school choice program within the school district for students who live in the district.
- **Vocational Education:** indicates whether the district operates a Chapter 74 approved vocational education program.
- Transitional Bilingual Education (TBE): indicates whether the district operates a TBE program. Under Massachusetts law, a district must provide a TBE program in a particular language if there are 20 or more limited English proficient students in that particular language group enrolled in the district. Limited English proficient students are students whose first language is not English and who cannot perform ordinary class work in English.
- **METCO:** indicates whether the district participates in the state METCO program, which promotes voluntary desegregation by enrolling minority students from Boston and Springfield in suburban schools.

Relationships: Relationships include:

- Member of Regional Districts*: for local school districts, indicates the name(s) of any academic and/or vocational regional district(s) of which the local school district is a member. For regional school districts, indicates the names of member local school districts. A regional school district provides educational services to more than one town.
- * District level data only.

Enrollment

Enrollment by Grade: indicates the enrollment for grades Pre-kindergarten (PK), kindergarten through 12, post-graduate grades 13 and 14, and ungraded (u/g) students for the listed school year.

Race/Ethnicity: indicates the percent of enrollment by race/ethnicity for the listed school year. The reporting categories are those used by the U.S. Bureau of the Census.

Selected Populations: indicates the percent of enrollment represented by students in special education programs*, students who are limited English proficient, and students eligible to receive free or reduced price lunch*. Data are for the listed school year.

Children Attending Public Schools*: indicates the percent of school-age children in a city or town attending public schools, for the listed school years.

* District level data only.

Test Results

Massachusetts Comprehensive Assessment System (MCAS): Click the MCAS link to see MCAS results for the district or school.

For additional information about Massachusetts Comprehensive Assessment System (MCAS), please refer to the Department of Education's MCAS web site at www.doe.mass.edu/mcas.

SAT: The district or school's SAT results are displayed for the listed years.

People

A list of people who work in the organization. Each name is linked to contact information for the person.

Finance

Per Pupil Expenditures*: are calculated by dividing a district's operating costs by its average pupil membership. Operating costs include expenditures for administration, instruction, pupil services, transportation, plant maintenance, and fixed charges. These costs do not include capital outlay and long-term interest on school debt. Average pupil membership includes students who receive services in the district's schools, as well as students receiving home or hospital instruction. Data for regular education, special education, bilingual education and vocational education students are provided in addition to the total for all day programs, for the listed school years. Teacher Salary*: indicates the minimum and maximum teacher salaries available, for the listed school years. Foundation Budget Spending Comparison*: The education reform act established a foundation budget for each school district. This budget represents the minimum level of spending needed to provide an adequate education for the district's students. The foundation budget is made up of 19 separate categories. The chart shows the district's actual spending in each category for the listed school year as a percentage of the district's foundation budget. If the percentage exceeds 100%, the district spent more in the category than suggested by the foundation budget. If the percentage is less than 100%, the district spent less. Significant variations between local spending and the foundation budget, or between local spending and the statewide averages, should be reviewed closely. In some cases, the differences may be due to unique circumstances and needs within the district. In other cases, the differences may suggest potential areas for review and improvement.

Click one of the links in the Finance section for more school finance information.

* District level data only.

Other Data

Dropout/Attendance Rates: indicates the percentage of students in grades 9-12 who dropped out of school between July 1 and June 30 prior to the listed year and who did not return to school by October 1. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school.

Attendance Rate: indicates the average percentage of enrolled students present in school for the listed school year. **Student Exclusions:** indicates the number of student exclusions that occurred during the listed school year. An exclusion is defined as the removal of a student for disciplinary purposes permanently, indefinitely or for more than ten consecutive school days.

Plans of High School Graduates: indicates the post-graduate intentions of students for the listed school year. **Technology:** indicates the number of students for every one computer and the percent of classrooms with Internet access. Data are for the listed school year; "DNR" appears for schools and districts which did not yet report data

SE, MOA, TI

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