

603 CMR: DEPARTMENT OF EDUCATION

603 CMR 18.00: PROGRAM AND SAFETY STANDARDS FOR APPROVED PUBLIC OR PRIVATE DAY AND RESIDENTIAL SPECIAL EDUCATION SCHOOL PROGRAMS

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18.01: Authority, Scope and Purpose

(1) 603 CMR 18.00 is promulgated pursuant to M.G.L. c. 71B, §10. 603 CMR 18.00 governs the program and safety standards for day and residential special education schools operated by public and private entities and serving publicly funded students.

(2) The requirements set forth in 603 CMR 18.00 are in addition to, or in some instances clarify or further elaborate, the program approval standards set forth in 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*.

(3) Some approved special education schools may have a residential component with a current license from the state agency responsible for licensing programs providing residential services to children pursuant to 102 CMR 3.00: *Standards for the Licensure or Approval of Residential Programs Serving Children and Teen Parents*. At the discretion of the Department, some of the requirements in 603 CMR 18.01 may be met through obtaining a license under 102 CMR 3.00: *Standards for the Licensure or Approval of Residential Programs Serving Children and Teen Parents*. However, the special education school's educational component remains fully subject to 603 CMR 18.00, as deemed appropriate by the Department of Education.

18.02: Definitions

Approved Private Special Education School or Approved Program shall mean a private day or residential school, within or outside Massachusetts, that has applied to, and received approval from, the Department according to the requirements specified in 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*.

Approved Public Special Education School shall mean a program operated by a public school or an educational collaborative providing full day or residential special education services to eligible students in a facility serving primarily students with disabilities. Such program shall be approved when it has applied to, and received approval from, the Department according to the requirements specified in 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*.

Consent shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent understands and agrees in writing to the carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

Day shall mean calendar day unless 603 CMR 18.00 specifies School Day, which shall mean any day, including a partial day, that students are in attendance at school for instructional purposes.

Department shall mean the Massachusetts Department of Education.

District or School District shall mean a Massachusetts municipal school department or regional school district, acting through its school committee or superintendent of schools; a county agricultural school, acting through its board of trustees or superintendent/director; and any other Massachusetts public school established by statute or charter, acting through its governing board or director.

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Eligible Student shall mean a person aged three through three through 21 who has not attained a high school diploma or its equivalent, who has been determined by an IEP Team to have a disability(ies), and as a consequence is unable to progress effectively in the general education program without specially designed instruction or is unable to access the general curriculum without a related service. An eligible student shall have the right to receive special education and any related services that are necessary for the student to benefit from special education or that are necessary for the student to access the general curriculum. In determining eligibility, the school district must thoroughly evaluate and provide a narrative description of the student's educational and developmental potential.

Emergency Termination shall mean removal of a student from a program due to an unplanned circumstance, including a student endangering his/her physical health or safety or endangering the physical health or safety of others.

Individualized Education Program (IEP) shall mean a written statement, developed and approved in accordance with federal special education law in a form established by the Department that identifies a student's special education needs and describes the services a school district shall provide to meet those needs.

Parent shall mean father, mother, guardian, person acting as a parent of the child, or an educational surrogate parent appointed in accordance with federal law. For students in the Department of Children and Families care or custody, an Educational Surrogate Parent's authority to act as a parent is limited to special education decision-making. When the father and mother are not living together, the parent shall be the father or mother with legal custody of the child for the purposes of educational decision-making. In the absence of any court decree to the contrary, legal authority of the parent shall transfer to the student when the student reaches 18 years of age.

18.03: Requirements for Daily Care(1) Supervision of Students.

- (a) The school shall at all times provide appropriate supervision of students while they are engaged in any school related activity on or off school grounds.
- (b) Each program shall develop and implement a written staffing plan for the employment of childcare workers. This plan shall include but not be limited to:
 - 1. A rationale describing the need for such childcare workers;
 - 2. A detailed description of the duties and responsibilities of such childcare workers;
 - 3. A detailed work schedule for childcare workers, including days and hours worked and the students for whom they will be responsible;
 - 4. A detailed description of how the school will provide childcare services in the absence of childcare workers due to illness, position, vacancy, emergencies, or other unexpected circumstances;
 - 5. A detailed justification of the childcare worker to student ratio requested by the school, including the ages, capabilities, behavioral and educational needs of the students, and other information as may be required due to the respective goals of individual students and/or programs.

(2) Childcare Worker to Student Ratio. The Department may approve a student to childcare worker ratio not lower than 4:1 nor greater than 6:1 during non school day waking hours and not lower than 6:1 nor greater than 8:1 during sleeping hours or an alternative ratio justified by the special education school. The Department shall make the final decision on alternative ratios. In rendering such decisions, the Department will consider but not be limited to the following factors in priority order:

- (a) The requirements of IEPs;
- (b) The recommendations of the state agency responsible for licensing programs providing residential childcare;
- (c) The current approval status of the school;
- (d) The most current monitoring data available.

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(3) Childcare Worker Staff Development and Training. Each program shall develop and implement with staff input a detailed written plan for staff development and inservice training of all childcare workers. This training plan shall be ongoing in nature and provide for a minimum of two hours of formal training per month and shall include but not be limited to the following:

- (a) Procedures for orienting new childcare workers to the role and purpose of the school;
- (b) Information and discussion on the nature and needs of the students enrolled in the school;
- (c) The role of the childcare worker in the growth and development of students, and the relationship of this work to the IEPs of students;
- (d) Procedures to be followed in the event of an emergency;
- (e) Basic first aid and emergency training;
- (f) Techniques for dealing with disruptive and violent behavior, including skill training on the proper use of non-violent restraint; and
- (g) Other topics that may be relevant to the operation of the school or the student population served.

(4) Supervision of Childcare Workers. Each program shall provide ongoing and regular supervision of all childcare workers by a professional staff person who has supervisory and administrative responsibility within the school. Such responsibilities shall include, but are not necessarily limited to:

- (a) Regularly scheduled conferences between childcare workers and supervisors to plan and share information relative to the needs of individual students;
- (b) Regularly scheduled conferences between teachers, childcare workers and other educational personnel to ensure that there is coordination among all components of an individual student's program;
- (c) Regular review and discussion of ongoing case logs.

(5) Clothing, Grooming, and Hygiene.

(a) Clothing. The school shall make provisions with parents or, where appropriate, state agencies to assure that students in the school are provided with adequate, clean, appropriate, fashionable, and seasonable clothing, as required for health and comfort subject to the following conditions:

- 1. No student shall be required to wear a uniform that identifies the student as a resident of a particular school.
- 2. Each student shall have his/her clothing identified for personal use, and such identification shall be inconspicuous.
- 3. For students whose clothing is provided by a state agency, the school shall provide such students the opportunity to participate in the selection of their own clothing.

(b) Grooming and Hygiene. The school shall provide each student with the personal grooming and hygiene articles and materials necessary to meet his/her individual needs. The provision of such articles shall not be contingent upon behavior and may not be part of a level or privilege system.

- 1. The school shall instruct and assist each student in developing good grooming habits.
- 2. The school shall provide students with the opportunity to brush their teeth after meals.
- 3. The school shall conduct a toilet training program for all students who are not toilet trained, unless otherwise indicated in the student's IEP.
- 4. In addition to the above, residential schools shall:
 - a. Ensure that the right to personal privacy for each child is protected at all times.
 - b. Ensure that each student bathes or showers in a private bath or shower frequently enough to maintain proper hygiene. The school shall provide students with assistance and/or supervision in bathing if they are unable to perform this function by themselves.
 - c. The school shall ensure that each student has his or her own articles necessary for personal grooming and hygiene.
 - d. The school shall assist each student in learning good grooming practices.
 - e. The school shall encourage each student to brush his or her teeth at least twice daily.
 - f. The school shall make arrangements for hair cutting and styling, in accordance with the wishes of the student and parents and consistent with good health practices.

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(6) Religious Services. Residential schools shall make available opportunities for students to voluntarily participate in religious services, in accordance with individual preferences.

(7) Food and Nutrition.

(a) The school shall, provide a nourishing well- balanced diet to all students.

(b) Residential schools shall provide at least three meals daily, at reasonably appropriate times, which constitute a nutritionally adequate diet.

1. The school shall prepare and serve meals in a manner and amount appropriate to the nutritional needs of each student, including special dietary needs, consistent with applicable state and federal regulations.

2. No student shall be denied, nor unreasonably delayed, a meal for any reason other than medical prescriptions. Meals shall not be withheld as a form of punishment under any circumstances.

3. The school shall encourage students to eat a well balanced diet, but no student shall be force fed or otherwise coerced to eat against his/her will except where medically prescribed.

4. The school shall serve meals to students which are substantially the same as those served staff, unless age differences or special dietary needs require differences in diet.

5. The school shall allow students to eat at a reasonable, leisurely rate.

6. Staff shall be present to assure that each student receives adequate amounts and variety of food.

(c) Schools that serve meals to students shall prepare written menus for each week and shall maintain copies of menu plans for typical weeks. Staff possessing an understanding of the nutritional needs of students shall develop menus.

(d) Schools shall provide or arrange for nutritional mid-morning snacks for students, where appropriate.

(e) Nutritional Requirements.

1. Schools that serve meals and snacks to students shall provide for $\frac{1}{3}$ to $\frac{1}{2}$ of the daily nutritional needs of children in accordance with the "Food and Nutrition Board, National Academy of Sciences National Research Council Recommended Dietary Allowances" in one regular meal and one or more snacks.

2. Schools shall provide to parents, when appropriate, a written list of nutritional items which should be included in a snack or lunch when parents are required to provide meals and snacks. The school shall have a method for providing a nutritious meal and snack in accordance with this section to a student who should arrive without one or whose parent has provided an inappropriate meal or snack.

(f) Written Plan and Designated Person. The school shall have a written plan which describes the methods for purchase, storage, preparation and serving of food and identifies one person responsible for the food program.

(g) Requirements for Food Preparation, Storage and Services.

1. The school shall store, prepare, and serve all food so that it is clean, wholesome, free from spoilage and safe for human consumption.

2. The school shall provide refrigeration and storage for food at not more than 45°F for food requiring refrigeration.

3. The school shall store all food in clean, covered containers.

4. The school shall properly wash and sanitize all bottles, utensils, and dishes.

5. The school shall dispose of food, milk or formula unfinished by a student.

6. The school shall prepare tasteful meals and serve them in a manner which makes them appetizing.

(8) Toileting Procedures for Day and Residential Schools.

(a) Written Plan. Schools that enroll students who are incontinent shall have a written plan describing procedures for:

1. Regular toileting and diapering of students;

2. Disposal or laundering of soiled clothing or diapers; and

3. Protecting the personal privacy of all such students.

(b) Toilet Training. The school shall toilet train students requiring such training in accordance with the plan requested by the parents or the IEP for the student and in accordance with the student's physical and emotional abilities.

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(c) Diapering Requirements. The school shall change the diapers of students when soiled or wet and wash and dry each student with individual materials during each diaper change.

1. The school shall maintain a supply of clean, dry diapers adequate to meet the needs of the students.
2. The school shall use either a disposable covering on the changing surface which shall be changed after each use, or a surface which can be disinfected properly.

(d) Clothing Requirements. Schools that enroll students who are incontinent shall keep extra clean, dry indoor clothing to change a student's clothing which becomes soiled or wet. The school shall store clothing or diapers which are a potential health hazard in a covered waterproof container unless they can be sanitized immediately after removal from the student.

(9) Visiting, Mail, and Telephones.

(a) Visiting Policy. The school shall have a written policy pertaining to visiting and other forms of communication with family, friends, and others.

1. Such policy shall be developed with the goal of encouraging healthy family relationships, maximizing the individual student's growth and development, and protecting the students, staff, and programs from unreasonable intrusions.
2. Such policy shall be available to students, staff and parents.
3. The school shall provide opportunities and encourage students to visit with parents or siblings unless such visits have been limited by court order or by the student's IEP.
4. The school shall provide opportunities for visits with relatives and friends on the premises, with reasonable privacy, in accordance with the student's IEP.
5. The school shall establish visiting hours which meet the needs of the students and parents.
6. The school shall formulate procedures for students visiting outside the facility, including:
 - a. A method for recording the student's location, the duration of the visit, and the name and address of the person responsible for the student while absent from the school;
 - b. A method for recording the student's return, and a procedure for action if a student fails to return.

(b) Mail and Telephone. Written and telephone communication shall not be prohibited. It shall be each student's right to open and send his/her own mail unread by staff, except in accordance with the following circumstances:

1. Such restrictions or censorship must be limited to that which is necessary to achieve the therapeutic purpose outlined in the student's IEP.
2. Mail that is restricted or censored must be returned to the sender with reasons therefore.
3. Staff may open and inspect student's mail for contraband only in the presence of the student.
4. The school shall make available a telephone (pay or free) to students.
5. Telephone communication may not be restricted or monitored unless there are specific therapeutic reasons justifying such limitations.
 - a. Such therapeutic reasons must be clearly stated in the student's IEP and must be no greater than necessary to achieve the therapeutic purpose.
 - b. If phone conversations are monitored, the parties to the conversation must be informed.
 - c. There must be no restrictions or monitoring of conversations between a student and his/her attorney, social worker or clergy person.

(10) Runaways. The school shall have a written policy, including a definition of runaways, appropriate for the school population and location, as well as procedures for handling situations involving students who have run away. These policies must be approved by the Department. All personnel in the school shall be familiar with the procedures for handling these situations and the persons or agencies to be notified. The school shall notify the Department, and the parents or Department of Social Services as appropriate, immediately whenever any student runs away.

18.04: Physical Facility and Equipment Requirements

- (1) Safety Requirements and Inspections for Schools.
 - (a) Safety Inspection. The school shall have an appropriate certificate of inspection from the Department of Public Safety or the local building inspector for each building to which students have access.
 - (b) The school shall obtain a written report of an annual fire inspection from the local fire department. The school shall request fire inspections on a quarterly basis and maintain copies of such requests and inspections at the facility.

- (2) Physical Facility/Kitchen Area.
 - (a) Kitchen Security. The school shall take measures consistent with the programmatic and developmental needs of its students to ensure the safe and secure storage of kitchen equipment, including major appliances.
 - (b) Required Maintenance. The kitchen shall be maintained in a sanitary condition, and garbage receptacles used in the kitchen shall be emptied and cleaned daily.

- (3) Physical Facility/Dining Area.
 - (a) Dining Rooms or Areas. The school shall maintain dining rooms or areas which are sufficiently large to accommodate tables and seats for persons eating in an uncrowded manner and which are clean, well lighted and ventilated.
 - (b) Dining Furniture. The school shall provide tables and chairs for use by students while dining which are of a type, size, and design appropriate to the ages and needs of the students. When feeding tables or high chairs are used, they shall be designed to prevent students from falling or slipping.
 - (c) Dining Utensils. The school shall provide eating and drinking utensils which are appropriate to the age and needs of the students.
 1. Eating and drinking utensils shall be free from defects, cracks and chips.
 2. Disposable cups and plates may be used, but if plastic silverware is used, it shall be heavy duty and dishwasher proof.
 3. All reusable eating and drinking utensils shall be thoroughly washed and sanitized before reuse.
 - (d) Drinking Water and Cups. The school shall provide a source of sanitary drinking water located in or convenient to rooms occupied by students. When non-disposable cups are used for drinking water, they shall be washed and sanitized after each use.

- (4) Physical Facility/Bathing and Toilet Facilities.
 - (a) Equipment and Facilities. The school shall provide adequate numbers of toilet areas for students being served, and shall locate and equip toilet areas so as to facilitate maximum self-help by students. The school shall provide toilet and bathing equipment and facilities in accordance with the following provisions:
 1. Water Temperature. The school shall provide both hot and cold running water in sinks, tubs, and showers. For preschool and severely disabled students the water temperature shall be no more than 120°F and no less than 110°F. The temperature may be controlled through regulation of the boiler or a mixing valve in the faucet.
 2. The school shall provide toilets which allow for individual privacy (with partitions and doors), unless inconsistent with a toilet training program.
 3. The school shall provide bathing, handwashing and toileting fixtures which are specially equipped, if used by the physically handicapped.
 4. The school shall provide mirrors at convenient heights for use by all students.
 5. The school shall provide a place for storage of toiletries and for hanging towels and washcloths.
 6. When adult toilets and sinks are used, the school shall provide non-tippable stands to permit access by those students who are able to use them.
 7. In addition to toilets, portable “pottychairs” may be utilized in the bathroom or separate area for students unable to use toilets. If a separate area is used, it must be a private area.
 8. If cloth diapers are used, a flush sink or toilet for rinsing diapers must be provided.
 - (b) Day Schools. In addition to the requirements outlined in 603 CMR 18.04(4)(a), day schools shall provide and maintain one toilet and sink for every 14 students in one or more well ventilated bathrooms or state why a lower ratio meets the needs of the school.

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- (c) Residential Schools. In addition to the requirements outlined in 603 CMR 18.04(4)(a), residential schools shall provide:
1. At least one toilet for each six residents, easily accessible to students in sleeping quarters;
 2. At least one sink for each six residents;
 3. At least one tub or shower for each six residents.
- (5) Physical Facility/Living Areas.
- (a) Arrangement of Living Areas. Schools shall design the living areas to simulate the functional arrangements of a home and to encourage a personalized atmosphere for small groups of students, unless the school can justify that another arrangement is necessary to serve the particular needs of the students enrolled in the school.
- (b) Furnishings. The school shall provide furniture and furnishings which are safe, appropriate, comfortable, and home-like.
- (c) Bedrooms. The school shall provide bedrooms which:
1. Have direct outside ventilation;
 2. Provide at least 50 square feet per student in multiple sleeping rooms, and not less than 70 square feet in single rooms;
 3. Have at least one window; and
 4. Have a means for students to mount pictures on bedroom walls (for example, by means of pegboard or cork strips) and to have other decorations.
- (d) Individual Furniture. The school shall provide each student with appropriate individual furniture, and an individual closet (or a designated section of a closet) with clothes racks and shelves.
- (e) Storage Areas. The school shall provide accessible storage areas for personal possessions, such as toys, books, prosthetic equipment, pictures, games, radios, arts and crafts materials, toiletries, jewelry, letters, other articles and equipment, and a secure area for money and valuables.
- (f) Common Areas. In addition to sleeping quarters, and space designated for specific activities, the school shall provide students with a lounge, living room, or family room available for their use.
- (6) Physical Facility/Classroom Space. Each room or area which is utilized for the instruction of students shall be of an adequate size to accommodate the students being taught.
- (a) The school shall ensure that the size of each classroom is adequate with respect to the number of students, size and age of students, and students' specific educational needs, physical capabilities, and educational and vocational activities.
- (b) In addition to the regular instructional area, the school shall have a library or resource room which contains a variety of materials appropriate to the age and abilities of the students enrolled.
- (7) Physical Facility/General Space Requirements.
- (a) Indoor Space. The school shall have a minimum of 35 square feet of activity space per student exclusive of hallways, lockers, toilet rooms, isolation rooms, kitchen, closets, offices, or areas regularly used for other purposes, which shall meet the following requirements:
1. Floors of rooms used by students shall be clean, unslippery, smooth and free from cracks, splinters and sharp or protruding objects and other safety hazards, and those in direct contact with the ground shall have flooring impenetrable by water.
 2. Ceilings and walls shall be maintained in good repair, and shall be clean and free from sharp or protruding objects and other safety hazards.
 3. All steam and hot water pipes and radiators shall be protected by permanent screen guards, insulations, or any other suitable device which prevents students from coming in contact with them.
 4. Room temperatures in rooms occupied by students shall be maintained at not less than 68°F at 0°F outside and at not more than the outside temperature when the outside temperature is above 80°F (measured at two feet from the outside walls and 20" above floor level).
 5. There shall be designated space separate from classroom areas for administrative duties and staff or parent conferences.

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(b) Outdoor Space. The school shall maintain or have access to an outdoor play area of at least 75 square feet per student using it at any one time. The average width of such a play area shall not be less than eight feet and shall conform to the following requirements:

1. Some part of the outdoor play area shall be accessible to direct sunlight.
2. It shall be free from hazards (*e.g.* hidden corners, unprotected poles, wells, cesspools, and steps); poisonous plants, (*e.g.* poison oak or ivy); and dangerous machinery or tools.
3. If any part is adjacent to a highway, a roof, a porch or other dangerous area, it shall be fenced with a non-climbable barrier at least five feet high.
4. It shall not be covered with a dangerously harsh or abrasive material.

(8) Physical Facility/Architectural Barriers.

(a) Requirements for Students with Limited Mobility. The school shall assure that students with limited mobility have access, free from barriers to their mobility, to those areas of the school buildings and grounds to which such access is necessary for the implementation of the IEPs for such students. All schools receiving federal funds shall meet the requirements of section 504 of the Rehabilitation Act of 1973.

(b) Building Entrances. A school which enrolls students requiring wheel chairs shall have at least one entrance without steps and wide enough for a wheel chair, for each building utilized in carrying out the IEPs for such students.

18.05: Required Policies and Procedures(1) Admissions.

(a) No school, or program operated by a school, shall enroll eligible students under the provisions of 603 CMR 28.00: *Special Education* unless approved to do so by the Department.

(b) Prior to admission, the school shall provide to the parents and the local school district a written copy of the school's policies and procedures, including:

1. The school's statement of purpose;
2. The type of services provided;
3. Admission criteria;
4. Parents' rights as described in 603 CMR 18.05(4);
5. Health care, including provisions for emergency health care and/or hospitalization as described in 603 CMR 18.05(9);
6. Planning for both foreseen and emergency terminations as described in 603 CMR 18.05(6) and (7);
7. Methods of behavior support, violence prevention, discipline, management of harmful behavior by a student to himself or herself or others, and proper use of restraints as described in 603 CMR 18.05(5);
8. Activities related to daily living skills;
9. Contractual obligations with regard to payment for services. The school shall inform in writing any party, other than a local school district, responsible for placement of a student that said party is financially responsible for any costs incurred as a result of any placement not made pursuant to the requirements of 603 CMR 28.00: *Special Education*;
10. Clothing requirements;
11. A description of normal daily routines;
12. Any specific treatment strategy employed by the facility;
13. A description of any normally occurring religious practices;
14. Visiting hours and other procedures related to communication with students and the facility as described in 603 CMR 18.036(9);
15. Name and telephone number of a staff person whom the parents may contact on an ongoing basis;
16. A description of a procedure which the parents or student may use to register complaints regarding the student's education and care at the facility.
17. A copy of the approved school calendar.

(c) No student shall be placed in any approved special education school until the local school district or the parent provides documentation from a licensed physician of a complete physical examination of the student not more than 12 months prior to the admission. In the event of emergency placements, the school shall make provisions for a complete examination of the student within 30 days of admission. The results of all physical examinations shall be made part of the student's health record.

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(2) Admission Interview.

- (a) Prior to admission, and upon request, the director of the school or designee shall be available to the parents, the student and the public school for an interview.
- (b) The interview shall include an explanation of the school's purpose and services, policies regarding parent and student rights including student records, the health program including the procedures for providing emergency health care, and the procedure for termination of a student.
- (c) The interview shall allow the opportunity for the student and parents to see the facilities, to meet staff members, and to meet other students enrolled.

(3) Placement Preparation for Residential Students.

- (a) The school shall establish procedures to prepare the staff and students in the living unit for the new student's arrival and shall provide staff with appropriate information to receive the new student and assist in his/her adjustment.
- (b) Upon admission, the school shall designate and prepare sleeping quarters for the student and space for the student's personal belongings.
- (c) The school shall assign at least one staff member to help orient a newly admitted student to the facility and to explain the opportunities and programs available.

(4) Parental Involvement.

- (a) The school shall have a written plan for involving parents, and shall have a Parents' Advisory Group. The Parents' Advisory Group shall advise the school on matters that pertain to the education, health, and safety of the students in the program.
- (b) The school shall have a procedure for assuring that it is informed by a parent or guardian of any changes in a student's legal status and of the results of all judicial and administrative proceedings concerning the student, and for disseminating this information to appropriate personnel.

(5) Behavior Support.

- (a) Each school shall provide a written statement of the rules, policies and procedures for the behavior support of students. The statement shall contain a description of the safeguards for the emotional, physical and psychological well-being of the population served; measures for positive responses to appropriate behavior; and definition and explanation of behavior management procedures used in the facility including, where applicable:
 1. Methods of assessing and monitoring students' progress in the program;
 2. The type and range of restrictions a staff member can impose for behavior which is unacceptable;
 3. The type of restraint used in an emergency situation of last resort; the array of interventions used as alternatives to restraint; and the controls on the misuse and abuse of restraint;
 4. The use of the behavioral support strategy of time-out;
 5. Any denial or restrictions of on-grounds program services.
- (b) Students shall participate in the establishment of such rules, policies and procedures whenever feasible and appropriate.
- (c) Prior to admission, the school shall provide students and parents with a written copy of its behavior support policy.
- (d) The school shall inform parents and students of any significant changes in the behavior management procedures.
- (e) No student shall be subjected to abuse or neglect, cruel, unusual, severe or corporal punishment, including the following practices:
 1. Any type of physical hitting or pain inflicted in any manner upon the body;
 2. Requiring or forcing the student to take an uncomfortable position such as squatting or bending or requiring or forcing the student to repeat physical movements when used as punishment;
 3. Punishments which subject the student to verbal abuse, ridicule or humiliation;
 4. Denial of visitation or communication privileges with family;
 5. Denial of sufficient sleep;
 6. Denial of shelter, bedding, food or bathroom facilities.

18.05: continued

(f) The goal of behavior support shall be to maximize the growth and development of the student and to protect the group and the individuals in it.

(g) The school shall directly relate consequences to the specific misbehavior and shall apply such consequences without prolonged delay.

(h) Day educational programs approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs* shall develop a policy on the use of physical restraint and administer physical restraint in accordance with the requirements of 603 CMR 46.00: *Physical Restraint*. Residential educational programs approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs* shall comply with the requirements contained in 102 CMR 3.00: *Standards for the Licensure or Approval of Residential Programs Serving Children and Teen Parents* except for the school day, during which the requirements of 603 CMR 46.00: *Physical Restraint* shall apply for students enrolled in such programs. Educational programs within a program or facility subject to M.G.L. c. 123 or Department of Mental Health Regulations shall comply with the restraint requirements of M.G.L. c. 123, 104 CMR 27.12: *Prevention of Restraint and Seclusion and Requirements When Used* or 104 CMR 28.05: *Physical Restraint*, as applicable.

(i) Any behavior support policy which results in a student being separated in a room apart from the group or program activities shall include, but not be limited to, the following:

1. Guidelines for staff in the utilization of such an area;
2. Persons responsible for implementing such procedures;
3. The duration of the procedures including procedures for approval by the chief administrative person or his or her designee for any period longer than 30 minutes, except that during the school day in a residential educational program, and in a day educational program approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*, the duration of the procedures shall be governed by 603 CMR 46.00: *Physical Restraint*;
4. Requirement that students shall be observable at all times and in all parts of the room, and that the staff shall be in close proximity at all times;
5. A procedure for staff to directly observe the student at least every 15 minutes;
6. A means of documenting the use of such area including, at a minimum, length of time, reasons for this intervention, who approved the procedure, and who directly observed the student at least every 15 minutes.
 - a. Time out rooms shall not be locked.
 - b. Any room or space used for the practice of separation must be physically safe and appropriate to the population served by the facility.

(6) Suspension.

(a) Upon admission of a student, the school shall provide a written policy on suspensions to the parents, and the school district or human service agency that placed the student. Such policy shall conform to the federal requirements on discipline pursuant to 34 CFR § 300.

(b) Whenever a student is suspended, the school shall immediately notify the parents or the Department of Social Services as appropriate, and the public school or human service agency responsible for the placement. Within 24 hours, the school shall send a written statement explaining the reasons for suspension to the parents or the Department of Social Services as appropriate and the public school district and human service agency responsible for the placement.

(c) No student may be suspended and sent home unless a responsible adult is available to receive the student.

(d) Once a student has been suspended for three consecutive school days or five non-consecutive school days in a school year, the school, parents, and public school district, consistent with federal requirements, shall explore together all possible program modifications within the school in an attempt to prevent total suspension of the student from the program.

(7) Termination.

(a) Upon admission of a student pursuant to 603 CMR 28.00: *Special Education*, the school shall ascertain a school district contact person. The school shall keep such person informed of the progress of the student and shall notify that person immediately if termination or discharge of the student is being discussed.

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(b) The school shall, at the time of admission, make a commitment to the public school district or appropriate human service agency that it will try every available means to maintain the student's placement until the local Administrator of Special Education or officials of the appropriate human service agency have had sufficient time to search for an alternative placement.

(c) Planned Terminations.

1. Except in emergency cases, the school shall notify the school district of the need for an IEP review meeting. The school district shall arrange such meeting and provide to all parties including the parent and if appropriate, the student, notice of this meeting ten days in advance of the intended date of the meeting. The meeting shall be held for the purpose of planning and developing a written termination plan for the student.

2. The plan shall describe the student's specific program needs, the short and long term educational goals of the program, and recommendations for follow-up and/or transitional services.

3. The school shall thoroughly explain termination procedures to the student, the parents, the Administrator of Special Education and officials of the appropriate human service agency.

4. The written termination plan shall be implemented in no less than 30 days unless all parties agree to an earlier termination date.

(d) In case of an emergency termination, which shall be defined as circumstances in which the student presents a clear and present threat to the health and safety of him/herself or others, the school shall follow the procedures required under 603 CMR 28.09(12).

(8) Research, Experimentation, Fund Raising, Publicity and Observation.

(a) The school shall not conduct any of the following without prior written notification to, and the prior written specific consent of, the affected student's parent. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to any of the following. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements. There also shall be consent by the student (if 14 years of age or older), unless the school has written documentation that the student is not capable of such a decision. A written copy of the school's notification to parents and the parent's consent, if granted, shall be sent to the school district responsible for the student.

1. Research or experimentation;

2. Use of the student's or family's name, photographs, or videotapes, for fund raising, publicity, or any other purposes.

(b) The school shall not allow, without the written specific consent of the affected student's parents observation of any student in the school by persons other than parents of current or prospective students, paid staff of the school, volunteers and student interns working in the school, authorized staff of the public schools responsible for students in the school, authorized staff of the Department or authorized state or federal monitoring personnel. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to observations of the student as provided above. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements.

(c) The consent required under 603 CMR 18.05(8)(a) is not required for observation or data collection used to evaluate or document the services provided by the program when such observation or data collection is conducted by staff from the school, the Department, the public school, the parents or authorized state or federal monitoring personnel.

(d) The school shall develop and maintain a written policy regarding the requirements of 603 CMR 18.05(a), (b) and (c) and shall make this policy available to parents and public schools.

(9) Health and Medical Services. The school shall provide a narrative description of provision made for medical, nursing and infirmary care of students.

(a) The school shall have a licensed physician available for consultation.

(b) The school shall have a registered nurse or a licensed practical nurse available as deemed necessary by the Department depending upon the health care needs of the school population.

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- (c) The school shall have available either a physician or a registered nurse who shall aid in the development of the health care policies for the school.
- (d) The school shall have a written health care policy and procedures manual which shall be made available to all staff. The health care manual shall be approved by the health care consultant and shall include all applicable policies and procedures.
- (e) The school shall have written policies and procedures for emergency first aid and care including:
1. Training of all direct service staff by a certified instructor in emergency first aid.
 2. Adequate first aid supplies, including but not limited to band aids, gauze, adhesive tape hydrogen peroxide or other cleaning solutions and ipecac shall be maintained and stored in a secure place, out of the reach of students. First aid supplies should be located and easily accessible in each major activity area.
 3. Written procedures for providing first aid shall be kept with the first aid supplies.
 4. The telephone number of the fire department, police station, poison prevention center, hospital emergency room, and ambulance service serving the school shall be posted in both living quarters and educational facilities.
 5. The procedures to be followed in the case of illness or emergency, including transportation methods and notification of parents.
 6. The procedures to be followed in event of fire or other emergency.
 7. A procedure for informing parents or the Department of Social Services if appropriate of any medical care administered to their child other than basic first aid. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to routine or other medical care. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements.
 8. The procedures to be followed in the case of illness or emergency if the parents cannot be reached.
- (f) The school shall describe in writing its procedures and policies regarding the administration of medication:
1. No medication shall be administered to a student without written authorization from a parent. Such authorization shall be renewed annually.
 2. No prescription medication shall be administered to the student without the written order of the physician prescribing the medication for the student.
 3. The school shall have written policies and procedures regarding prescriptions and administrations, and procedures shall include the following:
 - a. Administration Procedures. The school shall identify in writing all persons authorized by law, regulation, and the school to prescribe and administer medication to a student. The school shall also develop procedures to:
 - i. document the prescription and administration of all medication;
 - ii. provide notification to attending physicians of significant changes in behavior or in a student's health that may result from medication.
 - iii. record significant side effects of medication.
 - b. Prepackaging. A school may request that prescription dosages be prepackaged by the pharmacist to facilitate administration.
 - c. Staff Training. All staff shall be provided with copies of the school's policies and procedures regarding administration of medication. Staff providing care and instruction to a student receiving medication shall be given instruction by a physician or registered nurse regarding the nature of the medication, potential side effects, and any special precautions or requirements that may need to be observed. Only trained staff shall administer medication.
 4. Any change of medication or dosage must be authorized by a new order from a physician.
 5. A written record of the administration of prescribed medication to students shall be maintained.
 6. All medicine shall be kept in a locked, secure cabinet and labeled with the student's name, the name of the drug, and the directions for its administration. The school shall dispose of or return to the parents any unused medication. Medications must be delivered to the school by a responsible adult in a container labeled by the physician or pharmacist. Provision must be made for refrigerating those medications which require it.

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7. The school shall have a written policy regarding the amount of medication to be kept on the premises at any one time for each student receiving medication
8. A review of medications administered to a student shall be incorporated into all progress reviews conducted for the student.
9. The school shall not administer or arrange for the administration of antipsychotic medications except under the following circumstances. Antipsychotic medication shall mean drugs which are used in treating psychoses and alleviating psychotic states.
 - a. Any antipsychotic medication shall be prescribed by a licensed physician for the diagnosis, treatment and care of the child, and only after review of the student's medical record and actual observation of the student.
 - b. If antipsychotic medication is prescribed, the prescribing physician shall submit a written report to the school detailing the necessity for the medication; the staff monitoring requirements, if any; potential side effects that may or may not require medical attention; and the next scheduled clinical meeting or series of meetings with the student.
 - c. No antipsychotic prescription shall be administered for a period longer than is medically necessary, as determined by the prescribing physician after meeting with the student, reviewing the student's progress, and examining the student for potential side effects. All meetings with the student after the initial meeting shall be on a schedule determined by the physician as sufficient to monitor the student while on antipsychotic medication.
 - d. Staff providing care to a student receiving antipsychotic medication shall be instructed regarding the nature of the medication, potential side effects that may or may not require medical attention and required monitoring or special precautions, if any.
 - e. Except in an emergency, as defined in 603 CMR 18.05(9)(g), the school shall neither administer nor arrange for the prescription and administration of antipsychotic medication unless informed written consent is obtained. For students in the Department of Social Services care or custody, an Educational Surrogate Parent shall not have authority to consent to administration of any medication for routine or emergency purposes. For such students, consent shall be obtained consistent with the applicable Department of Social Services requirements. Except for students in the care or custody of the Department of Social Services, informed written consent shall be obtained in the following manner: If a student is in the custody of his/her parent(s), parental consent (in writing or in a witnessed conversation) is required. Parental consent pursuant to this subparagraph may be revoked at any time unless subject to any court order. If the parent does not consent or is not available to give consent, the referral source shall be notified and judicial approval shall be sought. If a student is in the custody of a person other than the parent, a placement agency or an out-of-state public or private agency, the referral source shall be notified and judicial approval shall be sought.
 - f. The school shall inform a student 12 years of age and older, consistent with the student's capacity to understand, about the treatment, risks and potential side effects of such medication. The school shall have procedures to follow if the student refuses to take the medication.
 - g. In an emergency situation, antipsychotic medication may be administered for treatment purposes without parental consent or prior judicial approval if an unforeseen combination of circumstances or the resulting state calls for immediate action and there is no less intrusive alternative to the medication. The treating physician must determine in his/her professional judgement that medication is necessary to prevent the immediate substantial and irreversible deterioration of a serious mental illness. If the treating physician determines that medication should continue, informed consent or judicial approval must be obtained as required by 603 CMR 18.05(9)(e).
- (g) The school shall describe in writing a plan for the preventive health care of students:
 1. The school, in cooperation with the student's parents and/or human service agency which is responsible for payment, shall make provision for each student to receive an annual comprehensive medical and dental examination. The school shall require a written report from the physician(s) of the results of the examination and any recommendation and/or modification of the student's activity.

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2. The school shall, in cooperation with the student's public school, develop a plan to ensure that vision, hearing, postural and other required screenings are conducted in accordance with M.G.L. c.71, § 57.
 3. The school shall have a policy and procedure for assuring that a student or staff member who has a reported communicable disease shall be authorized by a physician to continue to be present within the school and for notifying all parents and referring agencies of the introduction of a reported communicable disease into the school. The local board of health must be notified in accordance with M.G.L. c. 111, §111.
 4. The school shall provide a locked, secure cabinet to keep all toxic substances, medications, sharp objects and matches (other than those available to students with permission to smoke) out of the reach of students. Medications and medical supplies should not be locked in the same cabinet as other toxic substances. Toxic substances must be labeled with contents and antidote. The phone number for the nearest poison center must be posted clearly.
 5. Where appropriate, the school shall provide or arrange for the provision of family planning information, subject to any applicable state or federal legislation.
 6. The school shall require that all students have necessary immunizations as required by the Department of Public Health.
- (h) The school shall describe in writing its policy for protecting a student from exposure to foods, chemicals, or other materials to which they are allergic, as stated by their physician/medical assessment.
- (i) The school shall describe in writing procedures and staff training relative, to the reporting of suspected child abuse or neglect to the Department of Social Services as required by M.G.L. c.119, § 51A and B or, for students over the age of 18, to the Disabled Persons Protection Commission.
- (j) The school shall have on file a signed consent form for treatment of acute medical problems. The consent must be signed by the parents and be updated annually.
- (k) In the absence of an emergency or epidemic of disease declared by the Department of Public Health, the school shall not require any student to receive medical treatment when the parents object thereto on the ground that such treatment conflicts with a religious belief.
- (10) Emergency Procedures. The school shall establish and post a written plan detailing procedures for meeting potential emergencies. The plan shall include procedures for:
- (a) The assignment of personnel to specific tasks and responsibilities in emergency situations;
 - (b) Instructions for the use of alarm systems and signals;
 - (c) Systems for notification of appropriate persons;
 - (d) Specification of evacuation routes and procedures;
 - (e) The conduct of emergency drills for staff, at least quarterly and under varied conditions, in order to:
 1. Assure that all personnel on all shifts are trained to perform assigned tasks;
 2. Assure that all personnel on all shifts are familiar with the use of the firefighting equipment in the facility; and
 3. Evaluate in writing the effectiveness of emergency plans and procedures.
 - (f) The conduct of evacuation drills which include actual evacuation of students to safe areas during at least two drills each year on each shift. Sufficient drills must be held each year to ensure that all students are able to evacuate the building safely.
 1. The school shall take special care to help all students to understand the nature of such drills.
 2. The school shall make special provisions for the evacuation of any mobility impaired student in the facility.
 3. The school shall keep a written log of each such evacuation drill, detailing such things as the date, the time elapsed, the students and staff who participated, and any witnesses.
 - (g) Provision of a telephone number for students and staff to call and a system for emergency assistance to students while they are away from the facility and during the time that the school is in session. The school also shall be responsible for providing immediate backup that may be necessary as the result of any emergency.

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(h) Maintenance of an ongoing safety program which shall include but not be limited to investigation and recording of all accidents and recommendations for accident prevention. The school shall send copies of such investigations, records, and recommendations to the Department.

(i) Water safety procedures which shall be in accord with the requirements of the local and/or state health departments and Department requirements for appropriately certified personnel and which shall provide for:

1. Insuring the students' safety when participating in recreational and/or therapeutic water activities; and
2. A system to secure water recreational areas when not in use and to prevent unauthorized use by students.

(j) Procedures for reporting and handling situations involving students who have run away.

(11) Personnel Policies. The school must provide a detailed description of its personnel policies.

(a) Each school shall designate one person who shall have administrative responsibility over the operation of the school. Schools with more than 40 professional certified staff may have one (or more) assistant administrators provided the Department approves such positions.

(b) The administrator or designee shall at all times be on the premises of the school while the school is in operation. All staff on duty shall know who is responsible for administration of the school at any given time.

(c) The school shall have available its written current personnel policies and practices. Such personnel policies shall include a description of:

1. Criteria and procedures for hiring, written evaluations, suspension or dismissal of any staff person, including teacher and staff evaluation forms;
2. The procedures for handling staff complaints; and
3. Provisions for vacations, holidays, leaves, sick days, and any other benefits or requirements maintained by the school.

(d) The school shall have written job descriptions for all staff positions which shall be made available to staff. Copies also shall be made available to parents, if requested.

(e) The school shall establish in writing a salary range including benefits covering all positions and shall inform each employee of the same for his/her position.

(f) The school shall submit written evidence that personnel are currently certified, licensed, or registered as required by applicable laws and regulations for providing services for the special education of the particular population typically served or to be served by such school. Such evidence must be submitted annually for all newly hired staff members.

(g) The school shall provide orientation for all new staff to ensure an understanding of the school's philosophy, organization, program, practices and goals. The school shall describe in writing the school's program for staff orientation.

(h) The school shall describe in writing its plan for developing and delivering inservice training.

1. Each staff member providing direct services to students must participate in a minimum of two hours of staff development each month.
2. The school shall describe in writing its arrangements with any professional training program, including a description of student intern responsibilities and supervision of student interns by the college and the school.

(i) The school shall describe in writing its plan for using volunteer services. Volunteers shall be chosen for their ability to meet the needs of the students enrolled and shall be provided appropriate orientation, training, and supervision.

(j) The school shall describe in writing its policies and practices regarding equal employment/ educational opportunities/affirmative action in regard to race, color, creed, national origin, sex, and handicap.

REGULATORY AUTHORITY

603 CMR 18.00: M.G.L. c. 69, § 1B; c. 71B, § 10.