

603 CMR 54.00: RECOVERY HIGH SCHOOLS

Section

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54.01: Purpose

The purpose of 603 CMR 54.00 is to provide uniform rules and procedures governing the operation of Recovery High Schools.

54.02: Definitions

As used in 603 CMR 54.00, unless the context clearly requires otherwise, terms shall have the following meanings:

Board. The Massachusetts Board of Elementary and Secondary Education or a person duly authorized by the Board.

Commissioner. The Commissioner of the Massachusetts Department of Elementary and Secondary Education.

Department. The Massachusetts Department of Elementary and Secondary Education.

Individualized Education Program (IEP). 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 to meet those needs. *See* 603 CMR 28.02: Individualized Education Program (IEP).

Recovery High School. As set forth in M.G.L. c. 71, § 91, a public school or collaborative program for students diagnosed with substance use disorder or dependency that provides a comprehensive four year high school education and a structured plan of recovery.

Recovery High School Student. A student who resides in Massachusetts and who attends a Recovery High School. A Recovery High School student must meet both of the following criteria:

- (a) Based upon his or her age and academic credit, the student is eligible to enroll in high school, grades nine through 12, in his or her district of residence; and
- (b) The student has been diagnosed with a Substance Use Disorder or Dependency, as defined in the Diagnostic and Statistical Manual of Mental Disorders IV-TR, by a clinician, as defined by 105 CMR 164.006: *Definitions*.

District of Residence. The Massachusetts city, town, or regional school district in which a Recovery High School student currently resides and would otherwise attend public school. For students with IEPs, the District of Residence shall be determined according to 603 CMR 28.10: *School District Responsibility*.

54.03: Admission and Enrollment

(1) Non-discrimination. Recovery High Schools are subject to M.G.L. c. 76, § 5, and 603 CMR 26.00: *Access to Equal Educational Opportunity*, and shall not discriminate against students based on race, color, sex, gender identity, religion, national origin, disability or sexual orientation.

(2) Student Admission. Recovery High Schools shall have written policies for prospective students that include, at a minimum, a description of the process for applying and accepting an offer of admission and a process for provision of written notice or documentation from a clinician, as defined by 105 CMR 164.006: *Definitions*, indicating that a student has been diagnosed with a Substance Use Disorder or Dependency.

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(3) Student Enrollment. Upon a student's acceptance of an offer of admission, the Recovery High School shall notify the student's District of Residence of the student's admission within five business days.

(a) The District of Residence shall transfer the student's education record to the Recovery High School as soon as possible and, in any event, no later than ten business days after the date on which it receives notice of a student's acceptance of an offer of admission.

(b) If the student most recently attended a school other than in the District of Residence, the Recovery High School shall contact that school to obtain the student's education record and the school shall transfer the education record per 603 CMR 54.03(3)(a).

(c) Within five business days of a Recovery High School Student's 10th consecutive absence, or whenever a Recovery High School Student's enrollment in a Recovery High School permanently ceases for any reason, the Recovery High School shall notify the student's District of Residence.

54.04: Educational Program Requirements

(1) Student Learning Time. Recovery High Schools shall comply with the student learning time requirements in 603 CMR 27.00: *Student Learning Time*.

(2) Curriculum/Instruction. Recovery High Schools shall provide a program of instruction appropriate for students in grades nine through 12 and aligned with the Massachusetts Curriculum Frameworks, pursuant to M.G.L. c. 69, § 1E.

(3) Staffing. Teachers, administrators, and other educators in Recovery High Schools shall be appropriately licensed by the Department, pursuant to M.G.L. c. 71, § 38G and 603 CMR 7.00: *Educator Licensure and Preparation Program Approval*. Recovery High School staff providing or supervising the provision of related services shall be appropriately certified or licensed in their professional areas. Staffing for the Recovery High School shall include professionals with experience in secondary education and knowledge of substance abuse and recovery issues.

(4) Special Education. Students with IEPs who also meet the definition of a Recovery High School Student in 603 CMR 54.02 are entitled to enroll in Recovery High Schools. The Recovery High School and the District of Residence shall collaborate to ensure special education services described in a student's IEP are provided in a manner that minimizes disruption of the student's recovery program. The District of Residence and the Recovery High School shall review the student's IEP as follows:

(a) The Recovery High School shall identify and implement accommodations, modifications, and other services described in the student's IEP to the extent permitted by existing resources.

(b) The District of Residence shall:

1. Not obstruct or discourage the enrollment or attendance of a student with an IEP in a Recovery High School.

2. Arrange to provide special education services that the Recovery High School cannot provide with existing resources.

a. The District of Residence may contract for the provision of services on a student's IEP by or through the Recovery High School and transfer the actual cost of such services to the Recovery High School, following the process in 603 CMR 10.07(3).

b. Alternatively, the District of Residence may arrange for the provision of services on a student's IEP at a location other than the Recovery High School, provided such arrangements minimize disruption of the student's recovery program.

3. Retain responsibility for a student with an IEP attending a Recovery High School as required by M.G.L. c. 71B, § 5 and, as applicable, 603 CMR 28.10: *School District Responsibility*.

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(5) High School Diploma. A Recovery High School student who completes the course of study at a Recovery High School and has earned the competency determination per M.G.L. c. 69, § 1D, and 603 CMR 30.00: *Massachusetts Comprehensive Assessment System and Standards for Competency Determination* is eligible to receive a high school diploma. The student's District of Residence shall issue the diploma, provided that the student has met local graduation requirements as determined by the District of Residence. The Recovery High School and District of Residence may agree to have the Recovery High School award a diploma to the student.

54.05: General Requirements

(1) Data Reporting to the Department. The District of Residence and the Recovery High School shall report data for Recovery High School students to the Department in a manner and on a schedule determined by the Department, to account for each student's attendance and academic progress at a Recovery High School.

(2) Waiver. The Board, or the Commissioner on its behalf, may waive one or more provisions of 603 CMR 54.00 for good cause, upon written request by a Recovery High School or a District of Residence. Such waivers shall be granted only to the extent allowed by law. All waiver requests shall:

- (a) Specify the provisions of 603 CMR 54.00 to be waived, the duration of the waiver, the circumstances to which the waiver applies, and the specific reason that a waiver is sought;
- (b) Include a certification that the waiver applicant has made a good faith effort to comply with said provisions or certification regarding the conditions that made it impossible for the waiver applicant to comply; and
- (c) Be accompanied by supporting documentation to support the special circumstances or the need for relief.

(3) Severability. If any section or portion of a section of 603 CMR 54.00, or the applicability of 603 CMR 54.00 to any person, entity or circumstance is held invalid by a court, the remainder of 603 CMR 54.00 or the applicability of such provisions to other persons, entities or circumstances shall not be affected thereby.

REGULATORY AUTHORITY

603 CMR 54.00: M.G.L. c. 69, § 1B, and c. 71, § 91.