

ATTACHMENT 1 - CORRECTED

PROPOSED AMENDMENT TO REGULATIONS ON UNDERPERFORMING SCHOOLS AND SCHOOL DISTRICTS 603 CMR 2.00

Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: January 26, 2010

Background:

Chapter 12 of the Acts of 2010, *An Act Relative to the Achievement Gap*, was signed into law on January 18, 2010 and took effect immediately. Its purpose is to foster education innovation and turn around underperforming schools forthwith. Among other things, the new law makes sweeping changes to the statutes on underperforming schools and school districts, Mass. General Laws chapter 69, sections 1J and 1K.

The Board of Elementary and Secondary Education intends to revise its current Regulations on Underperforming Schools and School Districts, 603 CMR 2.00, to carry out the purpose and intent of the newly amended statutes and advance the new system of accountability and assistance for schools and districts. The commissioner expects to present the full set of draft regulations (Regulations on Accountability and Assistance for Schools and School Districts) to the Board at its meeting on February 23, 2010.

The identification of Level 4 (“underperforming”) schools is a critical first step in launching the Commonwealth’s new school and district accountability and assistance system and achieving the bold promise of the new education reform law. For that reason, the proposed new regulation on placement of schools in Level 4 is being released for review and public comment as of January 26, 2010. The numbering of this proposed regulation may change when it is incorporated into the full set of draft regulations in February.

Proposed Amendment:

603 CMR 2.03(3), *Designation as a Commonwealth Priority School*, would be deleted and replaced by the following regulation:

2.03(3) Placement of Schools in Level 4

- (a) Placing a school in Level 4 shall mean designating the school as underperforming in accordance with M.G.L. c. 69, s. 1J. Level 4 is the fourth of five levels in the framework for district accountability and assistance.*
- (b) A school shall be eligible for placement in Level 4 if it scores in the lowest 20 percent statewide of schools serving common grade levels on the basis of:
 1. school MCAS performance over a four-year period based on Composite Performance Index (CPI) in English language arts; CPI in mathematics; and percentages of students scoring in the “warning” or “failing” category on MCAS, and

2. beginning on July 1, 2011, improvement in school MCAS performance as represented by change in CPI (for years available, up to four).
- (c) The commissioner shall designate a school for placement in Level 4 on the basis of quantitative data including but not limited to:
1. annual growth in MCAS performance for students at the school as compared with peers across the Commonwealth (for years available, up to four),
 2. in the case of high schools, graduation and dropout rates for high schools,
 3. other indicators of school performance including student attendance, suspension, exclusion, and promotion rates upon the determination of each indicator's reliability and validity.
- (d) The commissioner may place an eligible school in Level 4 of the framework for district accountability and assistance on the basis of any of the data listed in 603 CMR 2.03(3)(c) (1) – (3) or on the basis of information from a school or district review performed under M.G.L. c.15, s 55A.
- (e) Not more than 4 percent of the total number of public schools may be placed in Levels 4 and 5*, taken together, at any given time.
- (f) Any school designated by the Board as chronically underperforming prior to 2010 may be placed in Level 4.

* Note: Details about Level 5 will be included in the full set of draft Regulations on Accountability and Assistance for Schools and School Districts to be reviewed in February 2010. Placing a school in Level 5 shall mean designating the school as chronically underperforming in accordance with M.G.L. c. 69, s. 1J. Level 5 is the fifth of five levels in the framework for district accountability and assistance.