

## Attachment 2: Proposed Changes to 603 CMR 2.00

### 603 CMR 2.00: Accountability and Assistance for School Districts and Schools

#### PROPOSED AMENDMENTS TO REGULATIONS FOR ACCOUNTABILITY AND ASSISTANCE FOR SCHOOL DISTRICTS AND SCHOOLS, 603 CMR 2.00

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **April 24, 2012**
- Period of public comment: through **June 6, 2012**
- Final action by the Board of Elementary and Secondary Education anticipated: **June 26, 2012**

#### Background:

These regulations, formerly entitled “Regulations on Underperforming Schools and School Districts,” were adopted by the Board of Education on June 16, 1997. They were most recently amended by the Board on April 27, 2010, following the amendment of M.G.L. c. 69, §§ 1J and 1K, by Chapter 12 of the Acts of 2010, *An Act Relative to the Achievement Gap*, which was signed into law on January 18, 2010, and took effect immediately.

The proposed amendments would revise 603 CMR 2.00 to:

1. Align the regulations with ESE’s approved flexibility waiver from USDOE related to the Elementary and Secondary Education Act, 20 U.S.C. 6301 et seq. (ESEA);
2. Align the regulations with evolving practice with respect to Level 4 and 5 districts; and
3. Clarify in the regulations the status of districts declared underperforming pursuant to these regulations as they existed before the revisions of April 27, 2010.

Proposed amendments are indicated by underline (new language) and strikethrough (deletion). The complete text of the regulations has been included. It is also available at <http://www.doe.mass.edu/lawsregs/603cmr2.html>.

#### 2.01: Authority, Scope and Purpose

- (1) 603 CMR 2.00 is promulgated pursuant to the authority of the Board of Elementary and Secondary Education under M.G.L. c. 69, §§ 1B, 1J, and 1K, and c. 71, § 38G.
- (2) 603 CMR 2.00 governs the review of the educational programs and services provided by the Commonwealth's public schools and the assistance to be provided by districts and the Department to improve them; it identifies the circumstances under which a school may be declared underperforming (placed in Level 4) and those under which a school or school district may be declared chronically underperforming (placed in Level 5), resulting in accountability and assistance in accordance with M.G.L. c. 15, §55A and c. 69, §§ 1J and 1K.
- (3) The purpose of 603 CMR 2.00 is to hold districts and schools accountable for educating their students well and to assist them in improving the education they provide.

#### 2.02: Definitions

Annual Performance Determination shall mean annual district, grade level, school, or student subgroup achievement and improvement, as determined by the Department relative to indicators

**Deleted:** **Accountability Status** shall mean the category to which a school or district is assigned, based on its Adequate Yearly Progress (AYP) determinations over multiple years in accordance with the federal Elementary and Secondary Education Act (ESEA). The category defines the required course of school, district and/or state action that must be taken to improve student performance. Accountability status categories include Identified for Improvement, Corrective Action, and Restructuring. Schools that make AYP in a subject for all student groups for two or more consecutive years are assigned to the No Status category. Districts that make AYP for all student groups in one or more gradespans in a subject for two or more consecutive years are also assigned to the No Status category. A district or school may be placed in an accountability status on the basis of the performance and improvement profile of students in the aggregate or of one or more student subgroups over two or more years in English language arts and/or mathematics.¶  
**Adequate Yearly Process or AYP** shall mean adequate annual district, grade level, school, or student subgroup performance and improvement, as determined by the Department relative to performance and improvement targets in English language arts and mathematics established by the Board in accordance with the federal Elementary and Secondary Education Act (ESEA).¶

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76 including but not limited to achievement and improvement in English language arts and  
77 mathematics, in accordance with the federal Elementary and Secondary Education Act (ESEA).

78 **Behavioral health and public schools framework** shall mean the framework developed by the  
79 Task Force on Behavioral Health and Public Schools pursuant to St. 2008, c. 321, § 19, to  
80 “promote collaboration between schools and behavioral health services and promote supportive  
81 school environments where children with behavioral health needs can form relationships with  
82 adults and peers, regulate their emotions and behaviors, and achieve academic and nonacademic  
83 school success and reduce truancy and the numbers of children dropping out of school.”

84 **Benchmark assessment** shall mean an assessment that is given at regular and specified intervals  
85 throughout the school year, is designed to evaluate students' knowledge and skills relative to a  
86 specific set of academic standards, and produces results that can be aggregated (e.g., by course,  
87 grade level, school, or district) in order to inform teachers and administrators at the student,  
88 classroom, school, and district levels.

89 **Board** shall mean the Board of Elementary and Secondary Education, appointed in accordance  
90 with M.G.L. c. 15, § 1E.

91 Charter School A public school operated under a charter granted by the Board pursuant to  
92 M.G.L. c. 71, § 89 and 603 CMR 1.00.

93 **Commissioner** shall mean the commissioner of elementary and secondary education, appointed  
94 in accordance with M.G.L. c. 15, § 1F, or his or her designee.

95 **Composite Performance Index or CPI** shall mean a 100-point index that assigns 100, 75, 50,  
96 25, or 0 points to each student participating in MCAS and MCAS-Alt tests based on their  
97 performance. The total points assigned to each student are added together and the sum is divided  
98 by the total number of students assessed. The result is a number between 0 and 100, which  
99 constitutes a district, school or group's CPI for that subject and student group. The CPI is a  
100 measure of the extent to which students are progressing toward proficiency (a CPI of 100) in  
101 English Language Arts (ELA), mathematics, ~~and science~~. CPIs are generated separately for ELA,  
102 ~~mathematics, and science~~, and at all levels-state, district, school, and student group.

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103 **Conditions for school effectiveness** shall mean certain necessary conditions for schools to  
104 educate their students well. These conditions are integrated into the district indicators.

105 **Core subjects** shall mean the subjects specified in M.G.L. c. 69, § 1D (mathematics, science and  
106 technology, history and social science, English, foreign languages and the arts) and subjects  
107 covered in courses that are part of an approved vocational-technical education program under  
108 M.G.L. c. 74.

109 **Department** shall mean the Department of Elementary and Secondary Education acting through  
110 the commissioner or his or her designee.

111 **District or school district** shall mean a municipal school department or regional school district,  
112 acting through its school committee or superintendent of schools, or a county agricultural school,  
113 acting through its board of trustees or superintendent/director. For the purposes of 603 CMR 2.00  
114 it shall not mean a charter school; charter schools are subject to accountability provisions set  
115 forth in M.G.L. c. 71, § 89, 603 CMR 1.00, and federal law.

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116 **District Analysis and Review Tool or DART** shall mean an electronic interface, using graphics  
117 and showing trends, of a sampling of relevant data kept by the Department or submitted to the  
118 Department by districts over time in areas including but not limited to district and school

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122 demographics, access, performance, educator licensure and turnover, student support, and  
123 educational resources.

124 **District Improvement Plan** shall mean the comprehensive, three-year improvement plan each  
125 district is required to develop under M.G.L. c. 69, § 1I.

126 **District indicators** shall mean the detailed performance indicators associated with the district  
127 standards and developed by the Department.

128 **District review** shall mean a school district audit conducted by the Department under M.G.L. c.  
129 15, § 55A, in accordance with a process and protocol established by the commissioner on behalf  
130 of the Board pursuant to M.G.L. c. 69, § 1B, and based on published district standards and  
131 indicators.

132 **District review report** shall mean the report of a district review by a district review team, as  
133 required by M. G.L. c. 15, § 55A.

134 **District review team** shall mean a group of individuals appointed by the Department, pursuant  
135 to M.G.L. c. 15, § 55A, to conduct a district review.

136 **District standards** shall mean the standards listed in 603 CMR 2.03(4)(a) that are the basis for  
137 district reviews, improvement planning, and other forms of accountability and assistance.

138 **ESEA** shall mean the Elementary and Secondary Education Act, 20 U.S.C. 6301 et seq.,  
139 reauthorized in 2001 as the No Child Left Behind Act.

140 **Follow-up review** shall mean a review conducted following a district review to gather further  
141 information, to be used for such purposes as determining whether a Level 4 district should be  
142 placed in Level 5 or whether a school or district should be removed from Level 4 or Level 5.

143 **Follow-up review report** shall mean the report of a follow-up review.

144 **Formative assessment** shall mean assessment questions, tools, and processes that are embedded  
145 in instruction and are used by teachers and students to provide timely feedback for purposes of  
146 adjusting instruction to improve learning.

147 **Framework for district accountability and assistance** shall mean the five-level system for  
148 district and school accountability and assistance approved by the Board and implemented by the  
149 Department pursuant to 603 CMR 2.03(1).

150 **Level 4 District Plan** shall mean a plan for improvement that a district placed in Level 4 is  
151 required to develop and implement pursuant to 603 CMR 2.05(8)(b), (c), and (d). In the case of a  
152 district in Level 4 that was declared underperforming by the Board before April 27, 2010, Level  
153 4 District Plan shall mean the current version of the turnaround plan the district adopted as a  
154 result of having been so declared. A Level 4 District Plan may serve as the district's District  
155 Improvement Plan.  
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157 **Levels 1-5** shall mean the levels in the Department's framework for district accountability and  
158 assistance, required by 603 CMR 2.03(1), in which schools and districts in the Commonwealth  
159 are placed. See definitions in 603 CMR 2.02 for placing a district in Level 5, placing a school in  
160 Level 4, and placing a school in Level 5.

161 **Mathematics content assessment:** A diagnostic assessment of mathematics content knowledge  
162 approved by the Department that mathematics teachers at a Level 4 or Level 5 school may be

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163 required to take, at no cost to the district or the teacher for the assessment instrument or its  
164 scoring.

165 **Mathematics teacher:** Shall mean any educator who teaches mathematics in a Massachusetts  
166 public school.

167 **MCAS** shall mean the Massachusetts Comprehensive Assessment System, provided for in  
168 M.G.L. c. 69, § 1I.

169 **Placing a district in Level 5** shall mean declaring that district to be chronically underperforming  
170 in accordance with M.G.L. c. 69, § 1K. Level 5 is the last of the five levels in the Department's  
171 framework for district accountability and assistance.

172 **Placing a school in Level 4** shall mean designating that school as underperforming in  
173 accordance with M.G.L. c. 69, § 1J. Level 4 is the fourth of the five levels in the Department's  
174 framework for district accountability and assistance.

175 **Placing a school in Level 5** shall mean designating that school as chronically underperforming  
176 in accordance with M.G.L. c. 69, § 1J. Level 5 is the last of the five levels in the Department's  
177 framework for district accountability and assistance.

178 **Receiver** shall:

179 (a) for a district, mean a non-profit entity or an individual with a demonstrated record of  
180 success in improving low-performing schools or districts or the academic performance of  
181 disadvantaged students, appointed by the commissioner on behalf of the Board for a  
182 district placed in Level 5, pursuant to M.G.L. c. 69, § 1K(a), and 603 CMR 2.06(3); and

183 (b) for a school, mean a non-profit entity or an individual with a demonstrated record of  
184 success in improving low-performing schools or the academic performance of  
185 disadvantaged students, appointed for a school in Level 4 by the superintendent pursuant  
186 to M.G.L. c. 69, § 1J(h) and 603 CMR 2.05(7) and for a school in Level 5 by the  
187 commissioner pursuant to M.G.L. c. 69, § 1J(r), (v), or (w) and 603 CMR 2.06(5).

188 **School** shall mean a single public school, consisting of one or more school buildings, which  
189 operates under the direct administration of a principal, director, or school leader appointed by the  
190 school district responsible for its governance. For the purposes of 603 CMR 2.00 it shall not  
191 mean a charter school; charter schools are subject to accountability provisions set forth in  
192 M.G.L. c. 71, § 89, 603 CMR 1.00, and federal law.

193 **School Improvement Plan** shall mean the plan for improved student performance each school is  
194 required to develop annually under M.G.L. c. 69, § 1I.

195 **School review** shall mean a school audit conducted by the Department under M.G.L. c. 15, §  
196 55A, in accordance with a process and protocol established by the commissioner on behalf of the  
197 Board pursuant to M.G.L. c. 69, § 1B.

198 **Student growth percentile or SGP** shall mean a measure of how much a student's performance  
199 has improved from one year to the next relative to other students statewide with a similar MCAS  
200 test score history.

201 **Subgroup** shall mean one of the groups of students for which the Department issues **annual**  
202 **performance** determinations, **including** students with disabilities, students with limited English  
203 proficiency, economically disadvantaged students, and students belonging to major racial and  
204 ethnic groups.

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210 **Tiered instruction** shall mean a data-driven prevention, early detection, and support system that  
211 guides the allocation of school and district resources with the aim of providing high quality core  
212 educational experiences for all students and targeted interventions to struggling students who  
213 experience learning or behavioral challenges.

214 **Turnaround plan** shall mean the plan to improve student achievement in a Level 4 or Level 5  
215 school or a Level 5 district that may serve as the School Improvement Plan or District  
216 Improvement Plan.

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217 **2.03: Accountability and Assistance for Districts and Schools in All Levels**

218 (1) **Framework for district and school accountability and assistance** The Department  
219 shall implement a five-level system for district and school accountability and assistance,  
220 approved by the Board and known as the framework for district accountability and  
221 assistance, for the purpose of improving student achievement. Both the priority for  
222 assistance and the degree of intervention shall increase from Level 1 to Level 5, as the  
223 severity and duration of identified problems increase. Under the framework, districts  
224 shall hold their schools accountable for educating their students well and assist them in  
225 doing so; the Department shall hold districts accountable for both of these functions and  
226 assist them in fulfilling them.

227 (2) **District reviews** The Department may conduct a district review, encompassing the  
228 district and its schools, of any district in Levels 1-5.

229 (3) **District Analysis and Review Tool** The Department shall provide the District Analysis  
230 and Review Tool to every district, including multiple data elements, giving schools the  
231 capability of comparing themselves with similar schools or other schools of their choice,  
232 and giving districts the capability of comparing themselves with similar districts or other  
233 districts of their choice.

234 (4) **District standards and indicators**

235 (a) District reviews, improvement planning, and other forms of accountability and  
236 assistance shall be based on standards of effective policy and practice in:

- 237 1. Leadership and governance;
- 238 2. Curriculum and instruction;
- 239 3. Assessment;
- 240 4. Human resources and professional development;
- 241 5. Student support; and
- 242 6. Financial and asset management.

243 (b) The Department shall publish a detailed version of the standards, as well as  
244 associated indicators which shall include the following conditions for school  
245 effectiveness:

- 246 1. Effective district systems for school support and intervention: The district  
247 has systems and processes for anticipating and addressing school staffing,  
248 instructional, and operational needs in timely, efficient, and effective  
249 ways, especially for its lowest performing schools.

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2. Effective school leadership: The district and school take action to attract, develop, and retain an effective school leadership team that obtains staff commitment to improving student learning and implements a clearly defined mission and set of goals.
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3. Aligned curriculum: The school's taught curricula are aligned to state curriculum frameworks and the MCAS performance level descriptions, and are also aligned vertically between grades and horizontally across classrooms at the same grade level and across sections of the same course.
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4. Effective instruction: Instructional practices are based on evidence from a body of high quality research and on high expectations for all students and include use of appropriate research-based reading and mathematics programs; the school staff has a common understanding of high-quality evidence-based instruction and a system for monitoring instructional practice.
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5. Student assessment: The school uses a balanced system of formative and benchmark assessments.
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6. Principal's staffing authority: The principal has the authority to make staffing decisions based on the School Improvement Plan and student needs, subject to district personnel policies, budgetary restrictions and the approval of the superintendent.
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7. Professional development and structures for collaboration: Professional development for school staff includes both individually pursued activities and school-based, job-embedded approaches, such as instructional coaching. It also includes content-oriented learning. The school has structures for regular, frequent collaboration to improve implementation of the curriculum and instructional practice. Professional development and structures for collaboration are evaluated for their effect on raising student achievement.
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8. Tiered instruction and adequate learning time: The school schedule is designed to provide adequate learning time for all students in core subjects. For students not yet on track to proficiency in English language arts or mathematics, the school provides additional time and support for individualized instruction through tiered instruction, a data-driven approach to prevention, early detection, and support for students who experience learning or behavioral challenges, including but not limited to students with disabilities and English language learners.
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9. Students' social, emotional, and health needs: The school creates a safe school environment and makes effective use of a system for addressing the social, emotional, and health needs of its students that reflects the behavioral health and public schools framework.
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10. Family-school engagement: The school develops strong working relationships with families and appropriate community partners and providers in order to support students' academic progress and social and emotional well-being.



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- 295 11. Strategic use of resources and adequate budget authority: The principal  
296 makes effective and strategic use of district and school resources and has  
297 sufficient budget authority to do so.
- 298 (5) **District improvement planning** Every district shall develop and implement an annual  
299 self-evaluation and district improvement planning process using the district standards and  
300 indicators established under 603 CMR 2.03(4).
- 301 (a) The district's self-evaluation and planning process shall result, every three years,  
302 in a comprehensive written three-year District Improvement Plan to improve the  
303 performance of the district and its schools.
- 304 (b) Each year, every school shall adopt school performance goals and develop and  
305 implement a written School Improvement Plan to advance those goals and  
306 improve student performance. The School Improvement Plan shall be aligned  
307 with the District Improvement Plan.
- 308 (c) A district's District Improvement Plan and School Improvement Plans shall be  
309 based on an analysis of data, including but not limited to data on student  
310 performance and the District Analysis and Review Tool provided by the  
311 Department under 603 CMR 2.03(3), and an assessment of actions the district and  
312 its schools must take to improve that performance.
- 313 (d) District Improvement Plans and School Improvement Plans shall, in form and  
314 content, conform to requirements set forth in M.G.L. c. 69, § 1I.
- 315 (6) **Assistance from the Department**
- 316 (a) The Department shall make available a variety of such forms of assistance as  
317 examples, tools, templates, protocols, and surveys to assist districts and schools in  
318 assessing themselves and improving student performance.
- 319 (b) The Department shall also make available to districts, to the extent funding  
320 allows, professional development opportunities and assistance from Department  
321 staff members, Department contractors, or third party partners. Priority for  
322 receiving professional development or assistance, as well as the degree of  
323 intervention by the Department, shall increase from Level 1 to Level 5.

**2.04: Accountability and Assistance for Districts and Schools in Levels 1-3**

**(1) Placement of schools and districts in Levels 1 and 2**

- 326 (a) ~~A school~~ shall be placed in Level 1 ~~or~~ 2 of the framework for district  
327 accountability and assistance ~~based on the performance of students in the~~  
328 ~~aggregate and subgroups, according to the Department's annual performance~~  
329 ~~determination~~. The Department shall publish guidance ~~for schools~~ as to what  
330 ~~performance leads~~ to placement in what level.
- 331 (b) ~~A school~~ shall move from one level to another within Levels 1 and 2 by virtue of  
332 change in ~~the performance of students in the aggregate and subgroups, according~~  
333 ~~to the Department's annual performance determination, and in accordance with~~  
334 ~~guidance published by the Department pursuant to 603 CMR 2.04(1)(a)~~.
- 335 (c) Districts shall ~~be placed in Levels 1 and 2 in accordance with the levels of their~~  
336 ~~schools, and shall~~ move from one level to another within Levels 1 and 2 by virtue

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349 of change in their schools' levels pursuant to 603 CMR 2.04(1)(b). The  
350 Department shall publish guidance for districts as to what performance leads to  
351 placement in what level.

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352 (2) **Placement of schools and districts in Level 3** A school shall be placed in Level 3 of the  
353 framework for district accountability and assistance if any one of its subgroups scores  
354 among the lowest performing subgroups in the state. The Department may place a school  
355 in Level 3 if it scores in the lowest 20% statewide of schools serving common grade  
356 levels pursuant to 603 CMR 2.05(2)(a). The Department shall publish guidance  
357 describing the specific methodology used to identify Level 3 schools, as well as guidance  
358 for districts as to what performance leads to placement in what level.

**Deleted:** A district shall be placed in Level 3 of the framework for district accountability and assistance if it has a school that has been placed in Level 3

359 (3) **Self-assessment by districts in Level 3** A district in Level 3 shall use a process approved  
360 by the Department to complete a self-assessment, shall use the self-assessment to identify  
361 unmet conditions for school effectiveness (see 603 CMR 2.03(4)(b)), and shall address  
362 the unmet conditions by revising its District Improvement Plan and School Improvement  
363 Plans.

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364 **2.05: Accountability and Assistance for Districts and Schools in Level 4**

365 (1) **Placement of districts in Level 4**

366 (a) A district shall be placed in Level 4 if any of its schools has been placed in Level  
367 4, pursuant to 603 CMR 2.05 (2).

368 (b) The Board may place a district in Level 4 upon recommendation of the  
369 commissioner based on findings from a district review, monitoring report, or  
370 follow-up review showing serious deficiencies, relating to one or more district  
371 standards, that are likely if they are not addressed effectively and in a timely  
372 manner to have a substantial negative effect on student performance in the  
373 district, putting the district at risk of being placed in Level 5.

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374 (c) A district may be placed in Level 4 pursuant to both 603 CMR 2.05(1)(a) and 603  
375 CMR 2.05(1)(b).

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376 (d) A district declared underperforming by a vote of the Board prior to April 27,  
377 2010, shall remain in Level 4 until the commissioner makes the determination  
378 described in 603 CMR 2.05(12)(b) and it has no schools in Level 4, unless the  
379 Board has voted to remove the district from underperforming status.

**Deleted:** if deficiencies are not addressed effectively and in a timely manner

380 (2) **Placement of schools in Level 4**

381 (a) A school shall be eligible for placement in Level 4 if it scores in the lowest 20%  
382 statewide of schools serving common grade levels on a single measure developed  
383 by the Department that takes into account at least:

- 384 1. school MCAS performance over a four-year period based on Composite  
385 Performance Index (CPI) in English language arts; CPI in mathematics;  
386 and percentages of students scoring in the "warning" or "failing" category  
387 on MCAS; and

- 388 2. improvement in student academic performance.

**Deleted:** beginning on July 1, 2011,

389 (b) The commissioner may place a school in Level 4 on the basis of quantitative data  
390 including but not limited to:

**Deleted:** The Department shall notify districts when it is determined that any of their schools is eligible for placement in Level 4. The notification shall be made to the school committee, superintendent, and local teachers' union or association president, and the principal of any school eligible for Level 4 placement.¶



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- 417 1. school MCAS performance over a four-year period based on Composite  
418 Performance Index (CPI) in English language arts; CPI in mathematics;  
419 and percentages of students scoring in the "warning" or "failing" category  
420 on MCAS;
- 421 2. improvement in school MCAS performance as represented by change in  
422 CPI (for years available, up to four);
- 423 3. annual growth in MCAS performance for students at the school as  
424 compared with peers across the Commonwealth (for years available, up to  
425 four);
- 426 4. in the case of high schools, graduation and dropout rates; **or**
- 427 5. other indicators of school performance including student attendance,  
428 dismissal, suspension, exclusion, and promotion rates upon the  
429 determination of each indicator's reliability and validity, or lack of  
430 demonstrated significant improvement for two or more consecutive years  
431 in core academic subjects, either in the aggregate or among subgroups of  
432 students, including designations based on special education, low-income,  
433 English language proficiency, and racial classifications; or on the basis of  
434 information from a school or district review performed under M.G.L. c.15,  
435 § 55A.

436 (c) Not more than 4% of the total number of public schools may be in Levels 4 and 5,  
437 taken together, at any given time.

438 (d) Any school designated by the Board as chronically underperforming prior to 2010  
439 may be placed in Level 4.

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441 (3) **Notification** The Department shall notify districts of the placement of any of their  
442 schools in Level 4. The notification shall be made to the school committee,  
443 superintendent, and local teachers' union or association president, and the principal and  
444 the parent organization of any school placed in Level 4.

445 (4) **Appointment of assistance and accountability personnel** Upon placement of a district  
446 in Level 4, ~~the Department may make any or all of the following appointments:~~

447 (a) an assistance liaison:

- 448 1. to support the district in developing and carrying out a turnaround plan for  
449 each of its Level 4 schools, if any; and
- 450 2. ~~to support the district in district improvement planning pursuant to 603~~  
451 ~~CMR 2.05(8), if required;~~

452 (b) an accountability monitor to determine and report on:

- 453 1. whether the goals, benchmarks, and timetable in the turnaround plan for  
454 each of the district's Level 4 schools, if any, are being met; and
- 455 2. ~~if the district has a Level 4 District Plan pursuant to 2.08(c), whether its~~  
456 ~~goals, benchmarks, and timetable, are being met; and~~

457 ~~(c) an individual or team to conduct monitoring site visits to the district or its schools.~~

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475 (5) **Turnaround plans for Level 4 schools**  
476 (a) The turnaround plan developed for each school placed in Level 4 shall:  
477 1. be authorized, pursuant to M.G.L. c. 69, s. § 1J(j), for a period of up to  
478 three years;  
479 2. fulfill the other requirements of M.G.L. c. 69, § 1J;  
480 3. provide for the implementation of the conditions for school effectiveness  
481 in 603 CMR 2.03(4)(b);  
482 4. include benchmarks by which to measure progress toward the annual goals  
483 included in the plan pursuant to M.G.L. c. 69, § 1J, and the conditions for  
484 school effectiveness, and a timetable for achieving those benchmarks;  
485 5. include descriptions of the assistance to be provided by the Department in  
486 support of the action steps in the plan, as agreed on by the Department and  
487 the superintendent, subject to the availability of resources for the  
488 Department to provide the assistance; and  
489 6. be prepared on a format provided by the Department.  
490 (b) Once the superintendent has received the recommendations of the local  
491 stakeholder group under M.G.L. c. 69, § 1J(b), the superintendent may request  
492 that the school committee and any union bargain or reopen the bargaining of the  
493 relevant collective bargaining agreement, pursuant to M.G.L. c. 69, § 1J(g). If  
494 necessary, the 30 days provided by M.G.L. c. 69, § 1J(e) for the superintendent to  
495 submit a turnaround plan for modifications to the local stakeholder group, school  
496 committee, and commissioner shall be extended, without exceeding the time  
497 periods mandated by M.G.L. c. 69, § 1J(g), to provide time for bargaining,  
498 ratification, a dispute resolution process, the submission of a decision by the joint  
499 resolution committee, or a resolution by the commissioner, pursuant to M.G.L. c.  
500 69, § 1J(g).  
501 (c) Within 30 days of the issuance of the superintendent's final turnaround plan under  
502 M.G.L. c. 69, § 1J(e), the commissioner shall review the plan and may, in  
503 consultation with the superintendent, modify the plan if the commissioner  
504 determines that  
505 1. such modifications would further promote the rapid academic achievement  
506 of students in the school;  
507 2. a component of the plan was included, or a modification under M.G.L. c.  
508 69, § 1J(e) was excluded, on the basis of demonstrably false information  
509 or evidence; or  
510 3. the superintendent failed to meet the requirements of M.G.L. c. 69, § 1J(b)  
511 to (e), inclusive.  
512 (d) Within 30 days of the issuance of the superintendent's final turnaround plan under  
513 M.G.L. c. 69, § 1J(e), the school committee or local union may appeal to the  
514 commissioner one or more components of the plan pursuant to M.G.L. c. 69, §  
515 1J(f). Within 30 days of the receipt of such appeal, the commissioner shall decide

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516 the appeal and may, in consultation with the superintendent, make one or more  
517 modifications to the plan based on the appeal if the commissioner makes any of  
518 the determinations in 603 CMR 2.05(5)(c)1 through 3. The commissioner's  
519 decision on the appeal shall be final.

520 (e) Within 30 days of the receipt of the last appeal made under M.G.L. c. 69, § 1J(f)  
521 and 603 CMR 2.05(5)(d), or, if no such appeal is received within 30 days of the  
522 issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e),  
523 at the expiration of those 30 days, the commissioner shall return the turnaround  
524 plan to the superintendent incorporating any modifications made under 603 CMR  
525 2.05(5)(c) or (d), or both. Such return of the plan to the superintendent shall  
526 constitute the commissioner's approval, pursuant to M.G.L. c. 69, § 1J(b), of the  
527 plan returned.

528 **(6) Annual reviews of Level 4 schools** Superintendents shall use a format provided by the  
529 Department for the reviews to be submitted to the commissioner and school committee at  
530 least annually pursuant to M.G.L. c. 69, § 1J(k).

**Deleted:** <#>During school year 2009 through 2010, the commissioner may allow for an expedited turnaround plan pursuant to M.G.L. c. 69, § 1J(b), for Level 4 schools that have been previously designated as underperforming and where the district has a turnaround plan that has had a public comment period and approval of the local school committee.¶

531 **(7) Receiver for a school in Level 4**

532 (a) If the superintendent appoints a receiver for a school in Level 4 pursuant to  
533 M.G.L. c. 69, s. 1J(h), the superintendent shall define the scope of the receiver's  
534 powers, up to and including all of the powers of the superintendent over the  
535 school, including all of the powers granted by M.G.L. c. 69, s. 1J. The  
536 superintendent may from time to time modify the scope of the receiver's powers  
537 based on conditions in the school. The receiver shall report directly to the  
538 superintendent.

539 (b) If the commissioner requires the superintendent to terminate the receiver for a  
540 school in Level 4 pursuant to M.G.L. c. 69, § 1J(k), the superintendent may, with  
541 the approval of the commissioner, select and appoint another receiver for the  
542 school in accordance with M.G.L. c. 69, § 1J(h) and 603 CMR 2.05(7)(a).

543 **(8) District improvement planning for Level 4 districts**

544 (a) The turnaround plan developed pursuant to 603 CMR 2.05(5) for any school in  
545 Level 4 shall include, among its provisions pursuant to 603 CMR 2.05(5)(a)(3) for  
546 the implementation of the conditions for school effectiveness, provisions for the  
547 improvement of district systems for school support and intervention in accordance  
548 with the condition for school effectiveness in 603 CMR 2.03(4)(b)(1).

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549 (b) If a district has been placed in Level 4 pursuant to 603 CMR 2.05(1)(b), the  
550 Department shall notify the Level 4 district that it is required to develop a Level 4  
551 District Plan in order to correct the serious deficiencies identified in the district  
552 pursuant to 603 CMR 2.05(1)(b); if a district has been placed in Level 4 pursuant  
553 to 603 CMR 2.05(1)(a), the Department may notify it that it is required to develop  
554 a Level 4 District Plan in order to aid in turning around its Level 4 school or  
555 schools.

**Deleted:** data on student performance and the District Analysis and Review Tool provided by the Department under 603 CMR 2.03(3); and¶  
2. qualitative information about the district, including information from the most recent district review¶  
to establish goals and benchmarks for each Level 4 district to achieve in order to correct the serious or widespread deficiencies identified in the district, and to establish a timetable for achieving them.

556  
557 (c) Each Level 4 district notified by the Department pursuant to 603 CMR 2.05(8)(b)  
558 shall develop a Level 4 District Plan, that includes goals and benchmarks  
559 appropriate to the reasons it has been required to develop a Level 4 District Plan,

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592 along with strategies, action steps, and a timetable for achieving those goals and  
593 benchmarks, The Level 4 District Plan shall be prepared on a format provided by  
594 the Department.

595 (d) A Level 4 district shall submit any required Level 4 District Plan and any  
596 successor Level 4 District Plan for approval by the Department. A district whose  
597 Level 4 District Plan is approved by the Department shall receive priority for  
598 Department assistance. From year to year, continued priority for Department  
599 assistance shall be dependent on the district's success in achieving the goals and  
600 benchmarks in the approved Level 4 District Plan or approved successor Level 4  
601 District Plan in accordance with the approved timetable.

602 (9) **Annual report to Board** The commissioner shall report annually to the Board on the  
603 progress made by districts and schools in Level 4.

604 (10) **Removal of school from Level 4**

605 (a) The commissioner shall define for each Level 4 school the academic and other  
606 progress that it must make for it to be removed from Level 4. Such progress  
607 may include:

608 i. an increase in student achievement for three years for students  
609 overall and for each subgroup of students, as shown by;

610 1. an increase in MCAS scores and an increase in median  
611 student growth percentile;

612 2. a reduction in the proficiency gap;

613 3. (for a high school) a higher graduation rate; and

614 4. (for a high school) a measure of postsecondary success,  
615 once the Department identifies one that is sufficiently  
616 reliable, valid, and timely; and

617 ii. progress in implementing the conditions for school  
618 effectiveness described in 603 CMR 2.03(4)(b).

619 (b) The commissioner, in defining the required progress for each school, shall  
620 customize it to the particular reasons the school was placed in Level 4,  
621 defining it as any or all of the progress in 2.05(10)(a)1 and 2, or any other  
622 progress the commissioner determines appropriate.

623 (c) After consultation with the superintendent, the commissioner shall remove a  
624 school from Level 4 when, at any time, the commissioner determines, based  
625 on evidence that may include evidence from a report from the accountability  
626 monitor appointed pursuant to 603 CMR 2.05(4)(b), a review by the  
627 superintendent submitted pursuant to M.G.L. c. 69, § J(k), a review conducted  
628 by the commissioner pursuant to M.G.L. c. 69, § 1J(l), or a district review or a  
629 follow-up review, that:

630 i. the school has achieved the academic and other progress  
631 defined by the commissioner under 603 CMR 2.05(10)(a) and  
632 (b) as necessary to allow it to be removed from Level 4; and

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- 650                                   ii. the district has the capacity to continue making progress in  
651                                   improving school performance without the accountability and  
652                                   assistance provided due to the school's placement in Level 4.
- 653                   (d) At the expiration of the turnaround plan, in conducting a review of the school  
654                   pursuant to M.G.L. c. 69, § 1J(1), the commissioner shall consider whether the  
655                   conditions described in 603 CMR 2.05(10)(c)1 and 2 exist. If the  
656                   commissioner determines that both of these conditions exist, he or she shall  
657                   remove the school from Level 4.
- 658 (e) Notwithstanding the foregoing requirements of 603 CMR 2.04(10), the commissioner may  
659                   remove from Level 4 any school for which he or she approves a proposal of closure.
- 660           **(11) Effect of removal of school from Level 4; transitional period**
- 661           a. Upon the commissioner's removal of a school from Level 4 pursuant to 603 CMR  
662           2.05(10)(c) or (d), the provisions of M.G.L. c. 69, § 1J, for schools designated as  
663           underperforming shall no longer apply to it and the employment of any receiver  
664           for the school shall end.
- 665           b. The district and school may continue their relationship with any external partner  
666           appointed to advise or assist the superintendent in the implementation of the  
667           turnaround plan and may continue to use the turnaround plan in order to continue  
668           to improve school performance, renewing or revising it as appropriate, provided  
669           that any feature of the turnaround plan that was adopted pursuant to M.G.L. c. 69,  
670           § 1J(d), in contravention of any general or special law to the contrary shall be  
671           discontinued unless:
- 672                           i. no more than one year before the removal of the school from Level 4 the  
673                           superintendent proposed to continue such feature of the turnaround plan  
674                           for a transitional period after the school's removal from Level 4,  
675                           supporting this proposal with a written explication of the reasons this  
676                           continuation is necessary and providing the school committee, the  
677                           teachers' union or association, and the parent organization for the school  
678                           with a copy of the proposal and supporting documents; and
- 679                           ii. before removing the school from Level 4 the commissioner determined,  
680                           after considering any opposition from the school committee, the teachers'  
681                           union or association, or the parent organization for the school, that such  
682                           feature of the turnaround plan would contribute to the continued  
683                           improvement of the school and should continue after the removal.
- 684                   The superintendent may propose to continue and the commissioner may allow to  
685                   continue more than one such feature of the turnaround plan.
- 686           c. Upon making a determination pursuant to 603 CMR 2.05(11)(b)2 that such  
687           feature or features of the turnaround plan should continue, the commissioner shall  
688           define the progress that the school must make for each continuing feature of the  
689           plan to be discontinued.
- 690           d. On determination by the commissioner at any time, based on evidence that may  
691           include evidence from a school or district review or a follow-up review, that the  
692           school has made the progress defined under 603 CMR 2.05(11)(c) as necessary to  
693           allow a continuing feature of the turnaround plan to be discontinued

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- 694 i. such feature shall be discontinued; and
- 695 ii. any powers granted to the commissioner or Board with respect to the
- 696 school under M.G.L. c. 69, § 1J, that did not cease on removal of the
- 697 school from Level 4 shall cease.
- 698 e. Two years after the removal of the school from Level 4, if any of the continuing
- 699 features of the turnaround plan has yet to be discontinued, the commissioner shall
- 700 conduct a review of the school to determine whether such continuing feature or
- 701 features should remain in place or be discontinued.

**(12) Removal of district from Level 4**

702 (a) A district placed in Level 4 because one or more of its schools has been placed

703 in Level 4 shall be removed from Level 4 when the district no longer has a school

704 in Level 4, unless the district has a Level 4 District Plan and the commissioner has

705 not yet made the determination described in 603 CMR 2.05(12)(b).

706 (b) A district with a Level 4 District Plan shall be removed from Level 4 by the

707 commissioner, unless it has a school or schools in Level 4, when the

708 commissioner determines, based on evidence that may include evidence from a

709 monitoring report or from a follow-up review, that

- 710 i. the district has satisfactorily achieved the goals and
- 711 benchmarks of its Level 4 District Plan; and
- 712 ii. the district has the capacity to continue making progress without the
- 713 accountability and assistance provided by Level 4.

**2.06 Accountability and Assistance for Districts and Schools in Level 5**

**(1) Placement of districts in Level 5**

714 (a) A district shall be eligible for placement in Level 5 if it is not a single-school

715 district and it scores in the lowest 10% statewide of districts of the same grade

716 levels on a single measure developed by the Department that takes into account at

717 least:

- 718 1. district MCAS performance over a four-year period based on Composite
- 719 Performance Index (CPI) in English language arts; CPI in mathematics;
- 720 and percentages of students scoring in the "warning" or "failing" category
- 721 on MCAS; and
- 722 2. improvement in student academic achievement.

723 (b) The Board may place an eligible district in Level 5 of the framework for district

724 accountability and assistance, if the commissioner so recommends, on the basis of

725 one or more of the following:

- 726 1. a district review report;
- 727 2. a report from an accountability monitor appointed pursuant to 603 CMR
- 728 2.05(4)(b);

**Deleted:** (a) Upon placement of a district in Level 4 pursuant to 603 CMR 2.05(1), the commissioner shall define for the district the academic and other progress that it must make for it to be removed from Level 4. Such progress may include:¶

- <#>an increase in student achievement for three years for students overall and for each subgroup of students, as shown by; ¶
- <#>an increase in MCAS scores and an increase in average median student growth percentile;¶
- <#>a reduction in the proficiency gap;¶
- <#>a higher graduation rate; and¶
- <#>a measure of postsecondary success, once the Department identifies one that is sufficiently reliable, valid, and timely;¶
- <#>the implementation of district systems and practices that meet district standards established under 603 CMR 2.03(4); and¶
- <#>progress in implementing in the district's schools the conditions for school effectiveness described in 603 CMR 2.03(4)(b). ¶

<#>The commissioner, in defining the required progress for the district, shall customize it to the particular reasons the district was placed in Level 4, defining it as any or all of the progress in 2.05(12)(a)1 through 3, or any other progress the commissioner determines appropriate. ¶

**Deleted:** (c)

**Deleted:** The commissioner shall remove the district from Level 4

**Deleted:** a report from

**Deleted:** the accountability monitor appointed pursuant to 603 CMR 2.05(4)(b)

**Deleted:** academic and other progress defined by the commissioner under 603 CMR 2.05(12)(a) and (b) as necessary to allow it to be removed from Level 4

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- 777 3. a follow-up review report;
- 778 4. quantitative indicators such as student attendance, dismissal, suspension,
- 779 exclusion, promotion, graduation, and dropout rates, upon the
- 780 determination of each indicator's reliability and validity, or lack of
- 781 demonstrated significant improvement for two or more consecutive years
- 782 in core academic subjects, either in the aggregate or among subgroups of
- 783 students, including designations based on special education, low-income,
- 784 English language proficiency, and racial classifications, or annual growth
- 785 in MCAS performance for students in the district as compared with peers
- 786 across the Commonwealth; or
- 787 5. the failure of a Level 4 district to meet, in a timely manner, the
- 788 benchmarks or goals in its current [Level 4 District Plan](#) as approved by the
- 789 Department pursuant to 603 CMR 2.05(8)(d).
- 790 (c) Not more than 2.5% of the total number of school districts may be in Level 5 at
- 791 any given time.
- 792 (d) Before the commissioner recommends that an eligible district be placed in Level
- 793 5, a district review team including at least one member with expertise in the
- 794 academic achievement of students with limited English proficiency shall conduct
- 795 a district review to assess and report on the reasons for the district's
- 796 underperformance and the prospects for improvement, unless the commissioner
- 797 determines that a new review is unnecessary because a district review conducted
- 798 within the last year is adequate.
- 799 (e) Before placing a district in Level 5, the Board shall consider the findings of the
- 800 most recent district review, as well as multiple quantitative indicators of district
- 801 quality such as those listed in 603 CMR 2.06(1)(b)4.
- 802 (f) School district and municipal officials, including the school committee, as well as
- 803 the local teachers' union or association president or designee, a representative of
- 804 the local parent organization, and members of the public, shall have an
- 805 opportunity to be heard by the Board before final action by the Board to place the
- 806 district in Level 5.

**(2) Placement of schools in Level 5**

- 808 (a) The commissioner may place a Level 4 school in Level 5 at the expiration of its
- 809 turnaround plan if the commissioner determines:
- 810 1. that the school has failed to improve as required by the goals, benchmarks,
- 811 or timetable of the turnaround plan; or
- 812 2. that the school has failed to make significant improvement and that
- 813 conditions in the district make it unlikely that the school will make
- 814 significant improvement unless it is placed in Level 5.
- 815 (b) School, school district, and municipal officials, including the school committee,
- 816 as well as the local teachers' union or association president or designee, a
- 817 representative of the school's parent organization, and family members of students
- 818 at the school, shall have an opportunity to meet with the commissioner or his or
- 819 her designee before the commissioner places a school in Level 5.

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- 821       **(3) Appointment and powers of receiver for a district in Level 5**
- 822           (a) Following the placement of a district in Level 5 under 603 CMR 2.06(1)(b), the
- 823           commissioner, on behalf of the Board, shall appoint a receiver for the district
- 824           pursuant to M.G.L. c. 69, § 1K(a).
- 825           (b) The receiver shall have the powers provided to the receiver by M.G.L. c. 69, §
- 826           1K, including all of the powers of the superintendent and school committee and
- 827           full managerial and operational control over the district, provided that the district
- 828           shall remain the employer of record for all other purposes, and provided further
- 829           that the commissioner may define the scope of the receiver's powers up to those
- 830           set forth in M.G.L. c. 69, § 1K, based on conditions in the district or its schools.
- 831           The commissioner may from time to time modify the scope of the receiver's
- 832           powers based on conditions in the district or its schools.
- 833       **(4) Replacement of receiver for a district in Level 5** If the commissioner terminates the
- 834       receiver for a district in Level 5 pursuant to M.G.L. c. 69, § 1K(h), the commissioner
- 835       shall appoint another receiver for the district in accordance with M.G.L. c. 69, § 1K(a)
- 836       and 603 CMR 2.06(3)(b).
- 837       **(5) Receiver for a school in Level 5**
- 838           (a) A receiver appointed by the commissioner for a school in Level 5 pursuant to
- 839           M.G.L. c. 69, s. 1J(r), shall have all of the powers that the superintendent
- 840           previously had over the school and all of the powers granted to a receiver for a
- 841           Level 5 school by M.G.L. c. 69, s. 1J. The receiver shall report directly to the
- 842           commissioner.
- 843           (b) If the commissioner terminates the receiver for a school in Level 5 pursuant to
- 844           M.G.L. c. 69, § 1J(v), the commissioner may appoint another receiver for the
- 845           school in accordance with M.G.L. c. 69, § 1J(r) and 603 CMR 2.06(5)(a).
- 846       **(6) Turnaround plans for Level 5 schools** The turnaround plan developed for each school
- 847       placed in Level 5 shall
- 848           (a) be authorized, pursuant to M.G.L. c. 69, § 1J(t), for a period of up to three years;
- 849           (b) fulfill the other requirements of M.G.L. c. 69, § 1J;
- 850           (c) provide for the implementation of the conditions for school effectiveness in 603
- 851           CMR 2.03(4)(b);
- 852           (d) include benchmarks by which to measure progress toward the annual goals
- 853           included in the plan pursuant to M.G.L. c. 69, § 1J, and the conditions for school
- 854           effectiveness, and a timetable for achieving those benchmarks;
- 855           (e) include descriptions of the assistance to be provided by the Department in support
- 856           of the action steps in the plan, subject to the availability of resources for the
- 857           Department to provide the assistance; and
- 858           (f) be prepared on a format developed by the Department.
- 859       **(7) Turnaround plans for Level 5 districts** The turnaround plan developed for each district
- 860       placed in Level 5 shall:

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- 861 (a) focus, pursuant to M.G.L. c. 69, §1K(b), on any Level 5 school or schools in the  
862 district and, using the most recent district review report as a guide, on any district  
863 policies or practices that have contributed to the placement of the school or  
864 schools or district in Level 5, including but not limited to district systems for  
865 school support and intervention;
- 866 (b) be authorized, pursuant to M.G.L. c. 69, § 1K(f), for a period of up to three years;
- 867 (c) fulfill the other requirements of M.G.L. c. 69, § 1K;
- 868 (d) if the district has any Level 4 or Level 5 schools, provide for the implementation  
869 in the district of the systems and processes necessary to bring about the conditions  
870 for school effectiveness in 603 CMR 2.03(4)(b), including, pursuant to M.G.L. c.  
871 69, § 1K, new turnaround plans for any Level 4 or 5 school for which the  
872 turnaround plans are deemed inadequate by the receiver.
- 873 (e) include, for the district: benchmarks by which to measure progress toward the  
874 annual goals included in the plan pursuant to M.G.L. c. 69, § 1K, and a timetable  
875 for achieving those benchmarks;
- 876 (f) describe the assistance to be provided by the Department in support of the action  
877 steps in the plan, subject to the availability of the resources for the Department to  
878 provide the assistance; and
- 879 (g) be prepared on a format developed by the Department.

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880 **(8) Quarterly reports for Level 5 schools and districts**

- 881 (a) Quarterly reports for Level 5 schools, including the review by the commissioner  
882 to be submitted at least annually to the superintendent and the school committee,  
883 shall be submitted pursuant to M.G.L. c. 69, § 1J(u) and (v) on a format  
884 developed by the Department.
- 885 (b) Quarterly reports for Level 5 districts, including the evaluation by the  
886 commissioner to be submitted at least annually to the Board and the school  
887 committee, shall be submitted pursuant to M.G.L. c. 69, § 1K(g) and (h) on a format  
888 developed by the Department.

889 **(9) Reports to the Board** The commissioner shall report regularly to the Board on the  
890 progress made by each district and school in Level 5.

891 **(10) Removal of school from Level 5**

- 892 (a) The commissioner shall define for each Level 5 school the academic and other  
893 progress that it must make for it to be removed from Level 5. Such progress may  
894 include:
- 895 1. an increase in student achievement for three years for students overall and  
896 for each subgroup of students, as shown by:
- 897 a. an increase in MCAS scores and an increase in median student  
898 growth percentile;
- 899 b. a reduction in the proficiency gap;
- 900 c. (for a high school) a higher graduation rate; and

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- 903 d. (for a high school) a measure of postsecondary success, once the  
904 Department identifies one that is sufficiently reliable, valid, and  
905 timely; and
- 906 2. progress in implementing the conditions for school effectiveness described  
907 in 603 CMR 2.03(4)(b).
- 908 (b) The commissioner, in defining the required progress for each school, shall  
909 customize it to the particular reasons the school was placed in Level 5, defining it  
910 as any or all of the progress in 603 CMR 2.06(10)(a)1 and 2, or any other progress  
911 the commissioner determines appropriate.
- 912 (c) The commissioner shall remove a school from Level 5 when, at any time, the  
913 commissioner determines, based on evidence that may include a report from the  
914 accountability monitor appointed pursuant to 603 CMR 2.05(4)(b), from the  
915 school's or district's receiver, if any, from a district review, or from a follow-up  
916 review, that:
- 917 1. the school has achieved the academic and other progress defined by the  
918 commissioner under 603 CMR 2.06(10)(a) and (b) as necessary to allow it  
919 to be removed from Level 5; and
- 920 2. the district has the capacity to continue making progress in improving  
921 school performance without the accountability and assistance provided  
922 due to the school's placement in Level 5.
- 923 (d) At the expiration of the turnaround plan, in conducting a review of the school  
924 pursuant to M.G.L. c. 69, § 1J(w), the commissioner shall consider whether the  
925 conditions described in 603 CMR 2.06(10)(c)1 and 2 exist. If the commissioner  
926 determines that both of these conditions exist, he or she shall remove the school  
927 from Level 5.
- 928 **(11) Effect of removal of school from Level 5; transitional period**
- 929 (a) Upon the commissioner's removal of a school from Level 5, the provisions of  
930 M.G.L. c. 69, § 1J, for schools designated as chronically underperforming shall no  
931 longer apply to it and the employment of any receiver for the school shall end.
- 932 (b) The district and school may continue to use the turnaround plan in order to  
933 continue to improve school performance, renewing or revising it as appropriate,  
934 provided that any feature of the turnaround plan that was adopted pursuant to  
935 M.G.L. c. 69, § 1J(o), in contravention of any general or special law to the  
936 contrary shall be discontinued unless the commissioner determined before  
937 removing the school from Level 5 that such feature of the turnaround plan would  
938 contribute to the continued improvement of the school and should continue for a  
939 transitional period after the removal. The commissioner may allow more than one  
940 such feature of the turnaround plan to continue.
- 941 (c) Upon making a determination pursuant to 603 CMR 2.06(11)(b) that such feature  
942 or features of the turnaround plan should continue, the commissioner shall define  
943 the progress that the school must make for each continuing feature of the plan to  
944 be discontinued.

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- 945 (d) On determination by the commissioner at any time, based on evidence that may  
946 include evidence from a school or district review or a follow-up review, that the  
947 school has made the progress defined under 603 CMR 2.06(11)(c) as necessary to  
948 allow a continuing feature of the turnaround plan to be discontinued
- 949 1. such feature shall be discontinued; and
- 950 2. any powers granted to the commissioner or Board with respect to the  
951 school under M.G.L. c. 69, § 1J, that did not cease on removal of the  
952 school from Level 5 shall cease.
- 953 (e) Two years after the removal of the school from Level 5, if any of the continuing  
954 features of the turnaround plan has yet to be discontinued, the commissioner shall  
955 conduct a review of the school to determine whether such continuing feature or  
956 features should remain in place or be discontinued.
- 957 **(12) Termination of receivership and removal of district from Level 5**
- 958 (a) The commissioner shall define for each Level 5 district the academic and other  
959 progress that it must make for it to be removed from Level 5. Such progress may  
960 include:
- 961 1. an increase in student achievement for three years for students overall and  
962 for each subgroup of students, as shown by:
- 963 a. an increase in MCAS scores and an increase in median student  
964 growth percentile;
- 965 b. a reduction in the proficiency gap;
- 966 c. a higher graduation rate; and
- 967 d. a measure of postsecondary success, once the Department  
968 identifies one that is sufficiently reliable, valid, and timely;
- 969 2. the implementation of district systems and practices that meet district  
970 standards established under 603 CMR 2.03(4); and
- 971 3. progress in implementing in the district's schools the conditions for school  
972 effectiveness described in 603 CMR 2.03(4)(b).
- 973 (b) The commissioner, in defining the required progress for the district, shall  
974 customize it to the particular reasons the district was placed in Level 5, defining it  
975 as any or all of the progress in 603 CMR 2.06(12)(a)1 through 3, or any other  
976 progress the commissioner determines appropriate.
- 977 (c) The commissioner shall terminate the receivership and remove the district from  
978 Level 5 when, at any time, the commissioner determines, based on evidence that  
979 may include a report from the district's receiver or a follow-up review, that
- 980 1. the district has achieved the academic and other progress defined by the  
981 commissioner under 603 CMR 2.06(12)(a) and (b) as necessary to allow it  
982 to be removed from Level 5; and
- 983 2. the district has the capacity to continue making progress without the  
984 accountability and assistance provided by Level 5.

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986 (d) At the expiration of the turnaround plan, in reevaluating the district's Level 5  
987 status pursuant to M.G.L. c. 69, § 1K(i), the commissioner shall consider whether  
988 the conditions described in 603 CMR 2.06(12)(c)1 and 2 exist. If the  
989 commissioner determines that both of these conditions exist, he or she shall  
990 terminate the receivership and remove the district from Level 5.

991 **(13) Effect of removal of district from Level 5; transitional period**

992 (a) Upon the commissioner's removal of a district from Level 5, the provisions of  
993 M.G.L. c. 69, § 1K, for districts designated as chronically underperforming shall  
994 no longer apply to it and the employment of the receiver shall end.

995 (b) The district may continue to use the turnaround plan in order to continue to  
996 improve students' academic performance, renewing or revising it as appropriate,  
997 provided that any feature of the turnaround plan that was adopted pursuant to  
998 M.G.L. c. 69, § 1K(d), in contravention of any general or special law to the  
999 contrary shall be discontinued unless the commissioner determined, before  
1000 removing the district from Level 5, that such feature of the turnaround plan would  
1001 contribute to the continued improvement of the district and should continue for a  
1002 transitional period after the removal. The commissioner may allow more than one  
1003 such feature of the turnaround plan to continue.

1004 (c) Upon making a determination pursuant to 603 CMR 2.06(13)(b) that such feature  
1005 or features of the turnaround plan should continue, the commissioner shall define  
1006 the progress that the district must make for each continuing feature of the plan to  
1007 be discontinued.

1008 (d) On determination by the commissioner at any time, based on evidence that may  
1009 include evidence from a district review or a follow-up review, that the district has  
1010 made the progress defined under 603 CMR 2.06(13)(c) as necessary to allow a  
1011 continuing feature of the turnaround plan to be discontinued:

1012 1. such feature shall be discontinued; and

1013 2. any powers granted to the commissioner or Board with respect to the  
1014 district under M.G.L. c. 69, § 1K, that did not cease on removal of the  
1015 district from Level 5 shall cease.

1016 (e) Two years after the removal of the district from Level 5, if any of the continuing  
1017 features of the turnaround plan has yet to be discontinued, the commissioner shall  
1018 conduct a review of the district to determine whether such continuing feature or  
1019 features should remain in place or be discontinued.

1020 **(14) Petition by school committee of a Level 5 district**

1021 (a) When the school committee of a Level 5 district petitions the commissioner,  
1022 pursuant to M.G.L. c. 69, § 1K (i), for either modification of the turnaround plan  
1023 or elimination of the turnaround plan and termination of the receivership, the  
1024 commissioner shall decide the petition after considering the following:

1025 1. written arguments and supporting documentation submitted with the  
1026 petition by the school committee;



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- 1027                    2. written arguments and supporting documentation submitted in response to  
1028                    the petition by the receiver; and
- 1029                    3. the report of any follow-up review conducted since the district was placed  
1030                    in Level 5.
- 1031                    (b) If no follow-up review has been conducted within the last year before the  
1032                    commissioner's receipt of the petition and the commissioner determines that such  
1033                    a review would be useful in deciding on the petition, the commissioner may cause  
1034                    one to be conducted and delay the decision on the petition until 30 days after  
1035                    receiving the follow-up review report, provided that a decision on the petition  
1036                    shall be made within four months of the commissioner's receipt of the petition.
- 1037                    (c) Within 30 days of receiving the commissioner's decision, the school committee  
1038                    may appeal an adverse decision to the Board. The Board shall consider the  
1039                    evidence described in 603 CMR 2.06(14)(a)1 through 3 and may consider other  
1040                    evidence from the school committee, receiver, and commissioner. The decision of  
1041                    the Board shall be made within 60 days of receiving the appeal and shall be final.
- 1042                    (d) Neither the process before the commissioner nor the process before the Board  
1043                    shall be an adjudicatory hearing.
- 1044                    (e) No petition for the elimination of the turnaround plan and termination of the  
1045                    receivership shall be granted unless the commissioner or, in the case of an appeal,  
1046                    the Board determines
- 1047                    1. that the district has achieved the progress defined by the commissioner  
1048                    under 603 CMR 2.06(12)(a) as necessary to allow the district to be  
1049                    removed from Level 5 or that the district has achieved other, comparable  
1050                    or superior progress; and
- 1051                    2. that the district has the capacity to continue making progress without the  
1052                    accountability and assistance provided by Level 5.
- 1053                    (f) Upon a decision by the commissioner or the Board granting a petition for the  
1054                    elimination of the turnaround plan and termination of the receivership, the  
1055                    receivership shall be terminated and the district removed from Level 5.

**2.07 Mathematics Content Assessments at Level 4 and Level 5 Schools**

- 1057                    (1) **Requirement of taking a mathematics content assessment** The superintendent or the  
1058                    school's receiver, if any, may require all mathematics teachers at a Level 4 school to take  
1059                    a mathematics content assessment approved by the Department. The commissioner or the  
1060                    school's receiver, if any, may require all mathematics teachers at a Level 5 school to take  
1061                    a mathematics content assessment approved by the Department. A mathematics teacher  
1062                    shall be required to take a mathematics content assessment pursuant to 603 CMR 2.07(1)  
1063                    no more than once a year.
- 1064                    (2) **Use of results** Individual results on a mathematics content assessment taken pursuant to  
1065                    603 CMR 2.07(1) shall be used by the mathematics teacher and the school principal in  
1066                    developing or revising professional development plans, as provided in the Recertification  
1067                    Regulations, 603 CMR 44.04(4), and shall be considered by school and district  
1068                    administrators in turnaround planning in the school. These individual results are to be

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1069 used for diagnostic and turnaround planning purposes only, and individual mathematics  
1070 teachers' results shall not be considered public records.

1071 **(3) Exceptions**

1072 (a) A mathematics teacher who would otherwise be required to take a mathematics  
1073 content assessment pursuant to 603 CMR 2.07(1) shall not be required to take it if  
1074 the teacher:

1075 1. has passed the Elementary Mathematics, Middle School Mathematics, or  
1076 Mathematics test of the Massachusetts Tests for Educator Licensure or has  
1077 passed or been deemed under 603 CMR 7.14(14)(g) to have passed the  
1078 Mathematics subtest of the General Curriculum test of the Massachusetts  
1079 Tests for Educator Licensure; and

1080 2. is appropriately licensed for the mathematics the teacher is teaching.

1081 (b) The superintendent or commissioner or the schools receiver, if any, may waive  
1082 the mathematics content assessment requirement for an individual mathematics  
1083 teacher based on a finding that the teacher has demonstrated mastery of  
1084 mathematics or that special circumstances exist that make the assessment  
1085 requirement inappropriate or immaterial.

1086

1087 Regulatory Authority:  
1088 M.G.L. c. 69, § 1B; c. 69, §§ 1J and 1K, as amended by St. 2010, c. 12, § 3; c. 71, § 38G.