

Attachment 2: Proposed Changes to 603 CMR 2.00 (Tracked)

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 ~~striketrough~~-(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

~~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~~

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~~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).~~

Annual Performance Determination shall mean an annual determination of district, grade level, school, or student subgroup achievement and improvement, as determined by the Department relative to indicators including but not limited to achievement and improvement in English language arts, and mathematics, and science, in accordance with the federal Elementary and Secondary Education Act (ESEA).

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

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

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

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

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

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

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

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

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

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

102 **District Analysis and Review Tool or DART** shall mean an electronic interface, using graphics
103 and showing trends, of a sampling of relevant data kept by the Department or submitted to the
104 Department by districts over time in areas including but not limited to district and school
105 demographics, access, performance, educator licensure and turnover, student support, and
106 educational resources.

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

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

111 **District review** shall mean a school district audit conducted by the Department under M.G.L. c.
112 15, § 55A, in accordance with a process and protocol established by the commissioner on behalf
113 of the Board pursuant to M.G.L. c. 69, § 1B, and based on published district standards and
114 indicators.

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

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

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

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

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

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

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

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

133 **Level 4 District Plan** shall mean a plan for improvement that a district placed in Level 4 is
134 required to develop and implement pursuant to 603 CMR 2.05(8)(b), (c), and (d). In the case of a
135 district in Level 4 that was declared underperforming by the Board before April 27, 2010, Level
136 4 District Plan shall mean the current version of the ~~turnaround~~ plan the district adopted as a
137 result of having been so declared. A Level 4 District Plan may serve as the district's District
138 Improvement Plan.

139
140 **Levels 1-5** shall mean the levels in the Department's framework for district accountability and
141 assistance, required by 603 CMR 2.03(1), in which schools and districts in the Commonwealth
142 are placed. See definitions in 603 CMR 2.02 for placing a district in Level 5, placing a school in
143 Level 4, and placing a school in Level 5.

144 **Mathematics content assessment:** A diagnostic assessment of mathematics content knowledge
145 approved by the Department that mathematics teachers at a Level 4 or Level 5 school may be
146 required to take, at no cost to the district or the teacher for the assessment instrument or its
147 scoring.

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

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

152 **Monitoring report:** a report from an accountability monitor appointed under 603 CMR
153 2.05(4)(b) or an individual or team appointed under 603 CMR 2.05(4)(c).

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

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

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

163 **Receiver** shall:

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

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

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

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

180 **School review** shall mean a school audit conducted by the Department under M.G.L. c. 15, §
181 55A, in accordance with a process and protocol established by the commissioner on behalf of the
182 Board pursuant to M.G.L. c. 69, § 1B.

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

186 **Subgroup** shall mean one of the groups of students for which, ~~in accordance with ESEA,~~ the
187 Department issues AYP annual performance determinations, ~~namely including~~ students with
188 disabilities, students with limited English proficiency, economically disadvantaged students, and
189 students belonging to major racial and ethnic groups.

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

194 **Turnaround plan** shall mean the plan pursuant to G.L. c. 69, s. 1J or 1K, to improve student
195 achievement in a Level 4 or Level 5 school or a Level 5 district; ~~that the plan may also~~ serves as
196 the School Improvement Plan or District Improvement Plan.

197 **2.03: Accountability and Assistance for Districts and Schools in All Levels**

198 (1) **Framework for district and school accountability and assistance** The Department
199 shall implement a five-level system for district and school accountability and assistance,
200 approved by the Board and known as the framework for district accountability and
201 assistance, for the purpose of improving student achievement. Both the priority for
202 assistance and the degree of intervention shall increase from Level 1 to Level 5, as the
203 severity and duration of identified problems increase. Under the framework, districts
204 shall hold their schools accountable for educating their students well and assist them in
205 doing so; the Department shall hold districts accountable for both of these functions and
206 assist them in fulfilling them.

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

209 (3) **District Analysis and Review Tools** The Department shall provide the District Analysis
210 and Review Tools to every district, including multiple data elements, giving schools the
211 capability of comparing themselves with similar schools or other schools of their choice,
212 and giving districts the capability of comparing themselves with similar districts or other
213 districts of their choice.

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

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- 215 (a) District reviews, improvement planning, and other forms of accountability and
216 assistance shall be based on standards of effective policy and practice in:
- 217 1. Leadership and governance;
 - 218 2. Curriculum and instruction;
 - 219 3. Assessment;
 - 220 4. Human resources and professional development;
 - 221 5. Student support; and
 - 222 6. Financial and asset management.
- 223 (b) The Department shall publish a detailed version of the standards, as well as
224 associated indicators which shall include the following conditions for school
225 effectiveness:
- 226 1. Effective district systems for school support and intervention: The district
227 has systems and processes for anticipating and addressing school staffing,
228 instructional, and operational needs in timely, efficient, and effective
229 ways, especially for its lowest performing schools.
 - 230 2. Effective school leadership: The district and school take action to attract,
231 develop, and retain an effective school leadership team that obtains staff
232 commitment to improving student learning and implements a clearly
233 defined mission and set of goals.
 - 234 3. Aligned curriculum: The school's taught curricula are aligned to state
235 curriculum frameworks and the MCAS performance level descriptions,
236 and are also aligned vertically between grades and horizontally across
237 classrooms at the same grade level and across sections of the same course.
 - 238 4. Effective instruction: Instructional practices are based on evidence from a
239 body of high quality research and on high expectations for all students and
240 include use of appropriate research-based reading and mathematics
241 programs; the school staff has a common understanding of high-quality
242 evidence-based instruction and a system for monitoring instructional
243 practice.
 - 244 5. Student assessment: The school uses a balanced system of formative and
245 benchmark assessments.
 - 246 6. Principal's staffing authority: The principal has the authority to make
247 staffing decisions based on the School Improvement Plan and student
248 needs, subject to district personnel policies, budgetary restrictions and the
249 approval of the superintendent.
 - 250 7. Professional development and structures for collaboration: Professional
251 development for school staff includes both individually pursued activities
252 and school-based, job-embedded approaches, such as instructional
253 coaching. It also includes content-oriented learning. The school has
254 structures for regular, frequent collaboration to improve implementation of
255 the curriculum and instructional practice. Professional development and

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256 structures for collaboration are evaluated for their effect on raising student
257 achievement.

258 8. Tiered instruction and adequate learning time: The school schedule is
259 designed to provide adequate learning time for all students in core
260 subjects. For students not yet on track to proficiency in English language
261 arts or mathematics, the school provides additional time and support for
262 individualized instruction through tiered instruction, a data-driven
263 approach to prevention, early detection, and support for students who
264 experience learning or behavioral challenges, including but not limited to
265 students with disabilities and English language learners.

266 9. Students' social, emotional, and health needs: The school creates a safe
267 school environment and makes effective use of a system for addressing the
268 social, emotional, and health needs of its students that reflects the
269 behavioral health and public schools framework.

270 10. Family-school engagement: The school develops strong working
271 relationships with families and appropriate community partners and
272 providers in order to support students' academic progress and social and
273 emotional well-being.

274 11. Strategic use of resources and adequate budget authority: The principal
275 makes effective and strategic use of district and school resources and has
276 sufficient budget authority to do so.

277 (5) **District improvement planning** Every district shall develop and implement an annual
278 self-evaluation and district improvement planning process using the district standards and
279 indicators established under 603 CMR 2.03(4).

280 (a) The district's self-evaluation and planning process shall result, every three years,
281 in a comprehensive written three-year District Improvement Plan to improve the
282 performance of the district and its schools.

283 (b) Each year, every school shall adopt school performance goals and develop and
284 implement a written School Improvement Plan to advance those goals and
285 improve student performance. The School Improvement Plan shall be aligned
286 with the District Improvement Plan.

287 (c) A district's District Improvement Plan and School Improvement Plans shall be
288 based on an analysis of data, including but not limited to data on student
289 performance and the District Analysis and Review Tool provided by the
290 Department under 603 CMR 2.03(3), and an assessment of actions the district and
291 its schools must take to improve that performance.

292 (d) District Improvement Plans and School Improvement Plans shall, in form and
293 content, conform to requirements set forth in M.G.L. c. 69, § 1I.

294 (6) **Assistance from the Department**

295 (a) The Department shall make available a variety of such forms of assistance as
296 examples, tools, templates, protocols, and surveys to assist districts and schools in
297 assessing themselves and improving student performance.

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298 (b) The Department shall also make available to districts, to the extent funding
299 allows, professional development opportunities and assistance from Department
300 staff members, Department contractors, or third party partners. Priority for
301 receiving professional development or assistance, as well as the degree of
302 intervention by the Department, shall increase from Level 1 to Level 5.

303 2.04: Accountability and Assistance for Districts and Schools in Levels 1-3

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

305 (a) As schools shall be placed in Levels 1 ~~and~~ 2 of the framework for district
306 accountability and assistance based on the performance of students in the
307 aggregate and subgroups, according to the Department's annual performance
308 determination ~~according to their accountability status under ESEA; districts shall~~
309 ~~be placed in Levels 1 and 2 of the framework according to their schools'~~
310 ~~accountability status under ESEA.~~ The Department shall publish guidance for
311 schools as to what ~~accountability status leads performance leads~~ to placement in
312 what level, including a description of the methodology used.

313 (b) As schools shall move from one level to another within Levels 1 and 2 by virtue
314 of change in ~~their accountability status~~ the performance of students in the
315 aggregate and subgroups, according to the Department's annual performance
316 determination, and in accordance with guidance published by the Department
317 pursuant to 603 CMR 2.04(1)(a).

318 (c) Districts shall be placed in Levels 1 and 2 in accordance with the levels of their
319 schools, and shall move from one level to another within Levels 1 and 2 by virtue
320 of change in ~~the accountability status of~~ their schools' levels pursuant to 603
321 CMR 2.04(1)(b). ~~The Department shall publish guidance for districts as to what~~
322 performance leads to placement in what level.

323 (2) **Placement of schools and districts in Level 3** A school shall be placed in Level 3 of the
324 framework for district accountability and assistance if any one of its subgroups scores
325 among the lowest performing subgroups in the state. The Department may place a school
326 in Level 3 if it scores in the lowest 20% statewide of schools serving common grade
327 levels pursuant to 603 CMR 2.05(2)(a). The Department shall publish guidance
328 describing the specific methodology used to identify Level 3 schools, as well as guidance
329 for districts as to what performance leads to placement in what level. ~~A district shall be~~
330 ~~placed in Level 3 of the framework for district accountability and assistance if it has a~~
331 ~~school that has been placed in Level 3.~~

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

337 2.05: Accountability and Assistance for Districts and Schools in Level 4

338 (1) Placement of districts in Level 4

339 (a) A district shall be placed in Level 4 if any of its schools has been placed in Level
340 4, pursuant to 603 CMR 2.05 (2).

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341 ~~(b) If a district scores in the lowest 10% statewide of districts of the same grade~~
342 ~~levels as calculated pursuant to 603 CMR 2.06(1)(a), the Board may place it a~~
343 ~~district in Level 4 upon recommendation of the commissioner based on findings~~
344 ~~from a district review, monitoring report, or follow-up review showing serious or~~
345 ~~widespread deficiencies, relating to one or more district standards, that are likely~~
346 ~~if they are not addressed effectively and in a timely manner to have a substantial~~
347 ~~negative effect on the educational achievement of students attending school~~
348 ~~student performance in the district, and place putting the district at risk of being~~
349 ~~placed in Level 5 if deficiencies are not addressed effectively and in a timely~~
350 ~~manner.~~

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

353 ~~(a)(d)~~ A district declared underperforming by a vote of the Board prior to April
354 27, 2010, shall remain in Level 4 until the commissioner makes the determination
355 described in 603 CMR 2.05(12)(b) and it has no schools in Level 4, unless the
356 Board has voted to remove the district from underperforming status.

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

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

- 361 1. school MCAS performance over a four-year period based on Composite
362 Performance Index (CPI) in English language arts; CPI in mathematics;
363 and percentages of students scoring in the "warning" or "failing" category
364 on MCAS; and
- 365 2. ~~beginning on July 1, 2011,~~ improvement in student academic performance.

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

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

- 372 1. school MCAS performance over a four-year period based on Composite
373 Performance Index (CPI) in English language arts; CPI in mathematics;
374 and percentages of students scoring in the "warning" or "failing" category
375 on MCAS;
- 376 2. improvement in school MCAS performance as represented by change in
377 CPI (for years available, up to four);
- 378 3. annual growth in MCAS performance for students at the school as
379 compared with peers across the Commonwealth (for years available, up to
380 four);
- 381 4. in the case of high schools, graduation and dropout rates; or

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382 5. other indicators of school performance including student attendance,
383 dismissal, suspension, exclusion, and promotion rates upon the
384 determination of each indicator's reliability and validity, or lack of
385 demonstrated significant improvement for two or more consecutive years
386 in core academic subjects, either in the aggregate or among subgroups of
387 students, including designations based on special education, low-income,
388 English language proficiency, and racial classifications; or on the basis of
389 information from a school or district review performed under M.G.L. c.15,
390 § 55A.

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

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

395

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

400 (4) **Appointment of assistance ~~liaison~~ and accountability ~~monitor~~ personnel** Upon
401 placement of a district in Level 4 ~~or the placement of any of its schools in Level 4~~ the
402 Department may make any or all of the following appointments:

403 (a) an assistance liaison:

404 1. to support the district in developing and carrying out a turnaround plan for
405 each of its Level 4 schools, if any; and

406 2. ~~if the district has been placed in Level 4~~, to support the district in district
407 improvement planning pursuant to 603 CMR 2.05(8), if required; ~~and~~

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

409 1. whether the goals, benchmarks, and timetable in the turnaround plan for
410 each of the district's Level 4 schools, if any, are being met; and

411 2. ~~if the district has been placed in Level 4~~, if the district has a Level 4
412 District Plan pursuant to 2.08(c), whether ~~the-its~~ goals, benchmarks, and
413 timetable ~~in the district's District Improvement Plan approved pursuant to~~
414 603-CMR-2.05(8) are being met; and

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

416

417 (5) **Turnaround plans for Level 4 schools**

418 (a) The turnaround plan developed for each school placed in Level 4 shall:

419 1. be authorized, pursuant to M.G.L. c. 69, s. § 1J(j), for a period of up to
420 three years;

421 2. fulfill the other requirements of M.G.L. c. 69, § 1J;

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- 422 3. provide for the implementation of the conditions for school effectiveness
423 in 603 CMR 2.03(4)(b);
- 424 4. include benchmarks by which to measure progress toward the annual goals
425 included in the plan pursuant to M.G.L. c. 69, § 1J, and the conditions for
426 school effectiveness, and a timetable for achieving those benchmarks;
- 427 5. include descriptions of the assistance to be provided by the Department in
428 support of the action steps in the plan, as agreed on by the Department and
429 the superintendent, subject to the availability of resources for the
430 Department to provide the assistance; and
- 431 6. be prepared on a format provided by the Department.
- 432 (b) Once the superintendent has received the recommendations of the local
433 stakeholder group under M.G.L. c. 69, § 1J(b), the superintendent may request
434 that the school committee and any union bargain or reopen the bargaining of the
435 relevant collective bargaining agreement, pursuant to M.G.L. c. 69, § 1J(g). If
436 necessary, the 30 days provided by M.G.L. c. 69, § 1J(e) for the superintendent to
437 submit a turnaround plan for modifications to the local stakeholder group, school
438 committee, and commissioner shall be extended, without exceeding the time
439 periods mandated by M.G.L. c. 69, § 1J(g), to provide time for bargaining,
440 ratification, a dispute resolution process, the submission of a decision by the joint
441 resolution committee, or a resolution by the commissioner, pursuant to M.G.L. c.
442 69, § 1J(g).
- 443 (c) Within 30 days of the issuance of the superintendent's final turnaround plan under
444 M.G.L. c. 69, § 1J(e), the commissioner shall review the plan and may, in
445 consultation with the superintendent, modify the plan if the commissioner
446 determines that
- 447 1. such modifications would further promote the rapid academic achievement
448 of students in the school;
- 449 2. a component of the plan was included, or a modification under M.G.L. c.
450 69, § 1J(e) was excluded, on the basis of demonstrably false information
451 or evidence; or
- 452 3. the superintendent failed to meet the requirements of M.G.L. c. 69, § 1J(b)
453 to (e), inclusive.
- 454 (d) Within 30 days of the issuance of the superintendent's final turnaround plan under
455 M.G.L. c. 69, § 1J(e), the school committee or local union may appeal to the
456 commissioner one or more components of the plan pursuant to M.G.L. c. 69, §
457 1J(f). Within 30 days of the receipt of such appeal, the commissioner shall decide
458 the appeal and may, in consultation with the superintendent, make one or more
459 modifications to the plan based on the appeal if the commissioner makes any of
460 the determinations in 603 CMR 2.05(5)(c)1 through 3. The commissioner's
461 decision on the appeal shall be final.
- 462 (e) Within 30 days of the receipt of the last appeal made under M.G.L. c. 69, § 1J(f)
463 and 603 CMR 2.05(5)(d), or, if no such appeal is received within 30 days of the
464 issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e),

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465 at the expiration of those 30 days, the commissioner shall return the turnaround
466 plan to the superintendent incorporating any modifications made under 603 CMR
467 2.05(5)(c) or (d), or both. Such return of the plan to the superintendent shall
468 constitute the commissioner's approval, pursuant to M.G.L. c. 69, § 1J(b), of the
469 plan returned.

470 ~~(f) During school year 2009 through 2010, the commissioner may allow for an~~
471 ~~expedited turnaround plan pursuant to M.G.L. c. 69, § 1J(b), for Level 4 schools~~
472 ~~that have been previously designated as underperforming and where the district~~
473 ~~has a turnaround plan that has had a public comment period and approval of the~~
474 ~~local school committee.~~

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

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

479 (a) If the superintendent appoints a receiver for a school in Level 4 pursuant to
480 M.G.L. c. 69, s. 1J(h), the superintendent shall define the scope of the receiver's
481 powers, up to and including all of the powers of the superintendent over the
482 school, including all of the powers granted by M.G.L. c. 69, s. 1J. The
483 superintendent may from time to time modify the scope of the receiver's powers
484 based on conditions in the school. The receiver shall report directly to the
485 superintendent.

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

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

491 (a) Each Level 4 district shall include, in the turnaround plan developed pursuant to
492 603 CMR 2.05(5)(a) for any each of its Level 4 schools in Level 4 shall include,
493 among its provisions pursuant to 603 CMR 2.05(5)(a)(3) for the implementation
494 of the conditions for school effectiveness, provisions for the improvement of
495 district systems for school support and intervention in accordance with the
496 condition for school effectiveness in 603 CMR 2.03(4)(b)(1).

497 (b)(a) If a district has been placed in Level 4 pursuant to 603 CMR 2.05(1)(b), the
498 Department shall use:
499 notify the Level 4 district that it is required to develop a Level 4 District Plan in order
500 to correct the serious deficiencies identified in the district pursuant to 603 CMR
501 2.05(1)(b); if a district has been placed in Level 4 pursuant to 603 CMR
502 2.05(1)(a), the Department may notify it that it is required to develop a Level 4
503 District Plan in order to aid in turning around its Level 4 school or schools.

504 1. data on student performance and the District Analysis and Review Tool
505 provided by the Department under 603 CMR 2.03(3); and

506 2. qualitative information about the district, including information from the most
507 recent district review

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508 ~~to establish goals and benchmarks for each Level 4 district to achieve in order to~~
509 ~~correct the serious or widespread deficiencies identified in the district, and to~~
510 ~~establish a timetable for achieving them.~~

511 (c) ~~(b)~~ Each Level 4 district notified by the Department pursuant to 603 CMR
512 2.05(8)(b) shall ~~revise its~~ develop a Level 4 District Improvement Plan to include
513 the goals and benchmarks established by the Department under 603 CMR 2.05
514 (8)(a) that includes -goals and benchmarks appropriate to the reasons it has been
515 required to develop a Level 4 District Plan, along with strategies, ~~and~~ action steps,
516 and a timetable tofor achieving those goals and benchmarks ~~by the timetable~~
517 established by the Department. The Level 4 District Plan shall be prepared on a
518 format provided by the Department.

519 ~~(d)~~ ~~(e)~~ Each A Level 4 district shall submit ~~its revised any required -Level 4~~
520 ~~District -Improvement Plan~~ and any successor Level 4 District Improvement Plan
521 for approval by the Department. A district whose ~~revised District Improvement~~
522 ~~Plan -Level 4 District Plan~~ is approved by the Department shall receive priority for
523 Department assistance. From year to year, continued priority for Department
524 assistance shall be dependent on the district's success in achieving the goals and
525 benchmarks in the approved Level 4 District -Improvement_ Plan or approved
526 successor Level 4 District Improvement Plan in accordance with the approved
527 timetable.

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

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

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

- 534 i. an increase in student achievement for three years for students
535 overall and for each subgroup of students, as shown by;
- 536 1. an increase in MCAS scores and an increase in average
537 median student growth percentile;
 - 538 2. a reduction in the proficiency gap;
 - 539 3. (for a high school) a higher graduation rate; and
 - 540 4. (for a high school) a measure of postsecondary success,
541 once the Department identifies one that is sufficiently
542 reliable, valid, and timely; and
- 543 ii. progress in implementing the conditions for school
544 effectiveness described in 603 CMR 2.03(4)(b).

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

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

- 556 i. the school has achieved the academic and other progress
557 defined by the commissioner under 603 CMR 2.05(10)(a) and
558 (b) as necessary to allow it to be removed from Level 4; and
- 559 ii. the district has the capacity to continue making progress in
560 improving school performance without the accountability and
561 assistance provided due to the school's placement in Level 4.

562 (d) At the expiration of the turnaround plan, in conducting a review of the school
563 pursuant to M.G.L. c. 69, § 1J(l), the commissioner shall consider whether the
564 conditions described in 603 CMR 2.05(10)(c)1 and 2 exist. If the
565 commissioner determines that both of these conditions exist, he or she shall
566 remove the school from Level 4.

567 (e) Notwithstanding the foregoing requirements of 603 CMR 2.04(10), the commissioner may
568 remove from Level 4 any school for which he or she approves a proposal of closure.

569 **(11) Effect of removal of school from Level 4; transitional period**

570 a. Upon the commissioner's removal of a school from Level 4 pursuant to 603 CMR
571 2.05(10)(c) or (d), the provisions of M.G.L. c. 69, § 1J, for schools designated as
572 underperforming shall no longer apply to it and the employment of any receiver
573 for the school shall end.

574 b. The district and school may continue their relationship with any external partner
575 appointed to advise or assist the superintendent in the implementation of the
576 turnaround plan and may continue to use the turnaround plan in order to continue
577 to improve school performance, renewing or revising it as appropriate, provided
578 that any feature of the turnaround plan that was adopted pursuant to M.G.L. c. 69,
579 § 1J(d), in contravention of any general or special law to the contrary shall be
580 discontinued unless:

- 581 i. no more than one year before the removal of the school from Level 4 the
582 superintendent proposed to continue such feature of the turnaround plan
583 for a transitional period after the school's removal from Level 4,
584 supporting this proposal with a written explication of the reasons this
585 continuation is necessary and providing the school committee, the
586 teachers' union or association, and the parent organization for the school
587 with a copy of the proposal and supporting documents; and
- 588 ii. before removing the school from Level 4 the commissioner determined,
589 after considering any opposition from the school committee, the teachers'
590 union or association, or the parent organization for the school, that such
591 feature of the turnaround plan would contribute to the continued
592 improvement of the school and should continue after the removal.

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- 593 The superintendent may propose to continue and the commissioner may allow to
594 continue more than one such feature of the turnaround plan.
- 595 c. Upon making a determination pursuant to 603 CMR 2.05(11)(b)2 that such
596 feature or features of the turnaround plan should continue, the commissioner shall
597 define the progress that the school must make for each continuing feature of the
598 plan to be discontinued.
- 599 d. On determination by the commissioner at any time, based on evidence that may
600 include evidence from a school or district review or a follow-up review, that the
601 school has made the progress defined under 603 CMR 2.05(11)(c) as necessary to
602 allow a continuing feature of the turnaround plan to be discontinued
- 603 i. such feature shall be discontinued; and
- 604 ii. any powers granted to the commissioner or Board with respect to the
605 school under M.G.L. c. 69, § 1J, that did not cease on removal of the
606 school from Level 4 shall cease.
- 607 e. Two years after the removal of the school from Level 4, if any of the continuing
608 features of the turnaround plan has yet to be discontinued, the commissioner shall
609 conduct a review of the school to determine whether such continuing feature or
610 features should remain in place or be discontinued.

(12) Removal of district from Level 4

611 (a) A district placed in Level 4 because one or more of its schools has been placed
612 in Level 4 shall be removed from Level 4 when the district no longer has a school
613 in Level 4, unless the district has a Level 4 District Plan and the commissioner has
614 not yet made the determination described in 603 CMR 2.05(12)(b).

615 ~~(a) Upon placement of a district in Level 4 pursuant to 603 CMR 2.05(1), the~~
616 ~~commissioner shall define for the district the academic and other progress that it~~
617 ~~must make for it to be removed from Level 4. Such progress may include:~~
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619

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

622 ~~1. an increase in MCAS scores and an increase in average median~~
623 ~~student growth percentile;~~

624 ~~2. a reduction in the proficiency gap;~~

625 ~~3. a higher graduation rate; and~~

626 ~~4. a measure of postsecondary success, once the Department~~
627 ~~identifies one that is sufficiently reliable, valid, and timely;~~

628 ~~ii. the implementation of district systems and practices that meet district~~
629 ~~standards established under 603 CMR 2.03(4); and~~

630 ~~iii. progress in implementing in the district's schools the conditions for school~~
631 ~~effectiveness described in 603 CMR 2.03(4)(b).~~

632 ~~(b) The commissioner, in defining the required progress for the district, shall~~
633 ~~customize it to the particular reasons the district was placed in Level 4, defining it~~

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634 as any or all of the progress in 2.05(12)(a)1 through 3, or any other progress the
635 commissioner determines appropriate.

636 ~~(b)(e)~~ A district with a Level 4 District Plan shall be removed from Level 4 by the
637 commissioner, unless it has a school or schools in Level 4. ~~The commissioner~~
638 ~~shall remove the district from Level 4~~ when the commissioner determines, based
639 on evidence that may include evidence from ~~a report from the accountability~~
640 ~~monitor appointed pursuant to 603-CMR 2.05(4)(b)~~ a monitoring report or from a
641 follow-up review, that

642 i. the district has satisfactorily achieved the goals and
643 benchmarks of its Level 4 District Plan ~~academic and other~~
644 ~~progress defined by the commissioner under 603-CMR~~
645 ~~2.05(12)(a) and (b) as necessary to allow it to be removed from~~
646 ~~Level 4~~; and

647 ii. the district has the capacity to continue making progress without the
648 accountability and assistance provided by Level 4.

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650

651 2.06 Accountability and Assistance for Districts and Schools in Level 5

652 (1) Placement of districts in Level 5

653 (a) A district shall be eligible for placement in Level 5 if it is not a single-school
654 district and it scores in the lowest 10% statewide of districts of the same grade
655 levels on a single measure developed by the Department that takes into account at
656 least:

657 1. district MCAS performance over a four-year period based on Composite
658 Performance Index (CPI) in English language arts; CPI in mathematics;
659 and percentages of students scoring in the "warning" or "failing" category
660 on MCAS; and

661 2. ~~beginning on July 1, 2011~~, improvement in student academic achievement.

662 (b) The Board may place an eligible district in Level 5 of the framework for district
663 accountability and assistance, if the commissioner so recommends, on the basis of
664 one or more of the following:

665 1. a district review report;

666 2. ~~a report from an accountability monitor appointed pursuant to 603-CMR~~
667 ~~2.05(4)(b)~~ a monitoring report;

668 3. a follow-up review report;

669 4. quantitative indicators such as student attendance, dismissal, suspension,
670 exclusion, promotion, graduation, and dropout rates, upon the
671 determination of each indicator's reliability and validity, or lack of
672 demonstrated significant improvement for two or more consecutive years
673 in core academic subjects, either in the aggregate or among subgroups of
674 students, including designations based on special education, low-income,

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675 English language proficiency, and racial classifications, or annual growth
676 in MCAS performance for students in the district as compared with peers
677 across the Commonwealth; or

678 5. the failure of a Level 4 district to meet, in a timely manner, the
679 benchmarks or goals in its current Level 4 District Improvement Plan as
680 approved by the Department pursuant to 603 CMR 2.05(8)(d).

681 (c) Not more than 2.5% of the total number of school districts may be in Level 5 at
682 any given time.

683 (d) Before the commissioner recommends that an eligible district be placed in Level
684 5, a district review team including at least one member with expertise in the
685 academic achievement of students with limited English proficiency shall conduct
686 a district review to assess and report on the reasons for the district's
687 underperformance and the prospects for improvement, unless the commissioner
688 determines that a new review is unnecessary because a district review conducted
689 within the last year is adequate.

690 (e) Before placing a district in Level 5, the Board shall consider the findings of the
691 most recent district review, as well as multiple quantitative indicators of district
692 quality such as those listed in 603 CMR 2.06(1)(b)4.

693 (f) School district and municipal officials, including the school committee, as well as
694 the local teachers' union or association president or designee, a representative of
695 the local parent organization, and members of the public, shall have an
696 opportunity to be heard by the Board before final action by the Board to place the
697 district in Level 5.

698 (2) Placement of schools in Level 5

699 (a) The commissioner may place a Level 4 school in Level 5 at the expiration of its
700 turnaround plan if the commissioner determines:

701 1. that the school has failed to improve as required by the goals, benchmarks,
702 or timetable of the turnaround plan; or

703 2. that the school has failed to make significant improvement and that
704 conditions in the district make it unlikely that the school will make
705 significant improvement unless it is placed in Level 5.

706 (b) School, school district, and municipal officials, including the school committee,
707 as well as the local teachers' union or association president or designee, a
708 representative of the school's parent organization, and family members of students
709 at the school, shall have an opportunity to meet with the commissioner or his or
710 her designee before the commissioner places a school in Level 5.

711 (3) Appointment and powers of receiver for a district in Level 5

712 (a) Following the placement of a district in Level 5 under 603 CMR 2.06(1)(b), the
713 commissioner, on behalf of the Board, shall appoint a receiver for the district
714 pursuant to M.G.L. c. 69, § 1K(a).

715 (b) The receiver shall have the powers provided to the receiver by M.G.L. c. 69, §
716 1K, including all of the powers of the superintendent and school committee and

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717 full managerial and operational control over the district, provided that the district
718 shall remain the employer of record for all other purposes, and provided further
719 that the commissioner may define the scope of the receiver's powers up to those
720 set forth in M.G.L. c. 69, § 1K, based on conditions in the district or its schools.
721 The commissioner may from time to time modify the scope of the receiver's
722 powers based on conditions in the district or its schools.

723 (4) **Replacement of receiver for a district in Level 5** If the commissioner terminates the
724 receiver for a district in Level 5 pursuant to M.G.L. c. 69, § 1K(h), the commissioner
725 shall appoint another receiver for the district in accordance with M.G.L. c. 69, § 1K(a)
726 and 603 CMR 2.06(3)(b).

727 (5) **Receiver for a school in Level 5**

728 (a) A receiver appointed by the commissioner for a school in Level 5 pursuant to
729 M.G.L. c. 69, s. 1J(r), shall have all of the powers that the superintendent
730 previously had over the school and all of the powers granted to a receiver for a
731 Level 5 school by M.G.L. c. 69, s. 1J. The receiver shall report directly to the
732 commissioner.

733 (b) If the commissioner terminates the receiver for a school in Level 5 pursuant to
734 M.G.L. c. 69, § 1J(v), the commissioner may appoint another receiver for the
735 school in accordance with M.G.L. c. 69, § 1J(r) and 603 CMR 2.06(5)(a).

736 (6) **Turnaround plans for Level 5 schools** The turnaround plan developed for each school
737 placed in Level 5 shall

738 (a) be authorized, pursuant to M.G.L. c. 69, § 1J(t), for a period of up to three years;

739 (b) fulfill the other requirements of M.G.L. c. 69, § 1J;

740 (c) provide for the implementation of the conditions for school effectiveness in 603
741 CMR 2.03(4)(b);

742 (d) include benchmarks by which to measure progress toward the annual goals
743 included in the plan pursuant to M.G.L. c. 69, § 1J, and the conditions for school
744 effectiveness, and a timetable for achieving those benchmarks;

745 (e) include descriptions of the assistance to be provided by the Department in support
746 of the action steps in the plan, subject to the availability of resources for the
747 Department to provide the assistance; and

748 (f) be prepared on a format developed by the Department.

749 (7) **Turnaround plans for Level 5 districts** The turnaround plan developed for each district
750 placed in Level 5 shall:

751 (a) focus, pursuant to M.G.L. c. 69, § 1K(b), on any Level 5 school or schools in the
752 district and, using the most recent district review report as a guide, on any district
753 policies or practices that have contributed to the placement of the school or
754 schools or district in Level 5, [including but not limited to district systems for](#)
755 [school support and intervention](#);

756 (b) be authorized, pursuant to M.G.L. c. 69, § 1K(f), for a period of up to three years;

757 (c) fulfill the other requirements of M.G.L. c. 69, § 1K;

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- 758 (d) if the district has any Level 4 or Level 5 schools, provide for the implementation
759 in the district of the systems and processes necessary to bring about the conditions
760 for school effectiveness in 603 CMR 2.03(4)(b); including, pursuant to M.G.L. c.
761 69, § 1K, new turnaround plans for any Level 4 or 5 school for which the
762 turnaround plans are deemed inadequate by the receiver.
- 763 (e) include, for the district: benchmarks by which to measure progress toward the
764 annual goals included in the plan pursuant to M.G.L. c. 69, § 1K, and a timetable
765 for achieving those benchmarks;
- 766 (f) describe the assistance to be provided by the Department in support of the action
767 steps in the plan, subject to the availability of the resources for the Department to
768 provide the assistance; and
- 769 (g) be prepared on a format developed by the Department.
- 770 **(8) Quarterly reports for Level 5 schools and districts**
- 771 (a) Quarterly reports for Level 5 schools, including the review by the commissioner
772 to be submitted at least annually to the superintendent and the school committee,
773 shall be submitted pursuant to M.G.L. c. 69, § 1J(u) and (v) on a format
774 developed by the Department.
- 775 (b) Quarterly reports for Level 5 districts, including the evaluation by the
776 commissioner to be submitted at least annually to the Board and the school
777 committee, shall be submitted pursuant to M.G.L. c. 69, § 1K(g) and (h) on a format
778 developed by the Department.
- 779 **(9) Reports to the Board** The commissioner shall report regularly to the Board on the
780 progress made by each district and school in Level 5.
- 781 **(10) Removal of school from Level 5**
- 782 (a) The commissioner shall define for each Level 5 school the academic and other
783 progress that it must make for it to be removed from Level 5. Such progress may
784 include:
- 785 1. an increase in student achievement for three years for students overall and
786 for each subgroup of students, as shown by:
- 787 a. an increase in MCAS scores and an increase in average-median
788 student growth percentile;
- 789 b. a reduction in the proficiency gap;
- 790 c. (for a high school) a higher graduation rate; and
- 791 d. (for a high school) a measure of postsecondary success, once the
792 Department identifies one that is sufficiently reliable, valid, and
793 timely; and
- 794 2. progress in implementing the conditions for school effectiveness described
795 in 603 CMR 2.03(4)(b).
- 796 (b) The commissioner, in defining the required progress for each school, shall
797 customize it to the particular reasons the school was placed in Level 5, defining it

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798 as any or all of the progress in 603 CMR 2.06(10)(a)1 and 2, or any other progress
799 the commissioner determines appropriate.

800 (c) The commissioner shall remove a school from Level 5 when, at any time, the
801 commissioner determines, based on evidence that may include a report from the
802 accountability monitor appointed pursuant to 603 CMR 2.05(4)(b), from the
803 school's or district's receiver, if any, from a district review, or from a follow-up
804 review, that:

- 805 1. the school has achieved the academic and other progress defined by the
806 commissioner under 603 CMR 2.06(10)(a) and (b) as necessary to allow it
807 to be removed from Level 5; and
- 808 2. the district has the capacity to continue making progress in improving
809 school performance without the accountability and assistance provided
810 due to the school's placement in Level 5.

811 (d) At the expiration of the turnaround plan, in conducting a review of the school
812 pursuant to M.G.L. c. 69, § 1J(w), the commissioner shall consider whether the
813 conditions described in 603 CMR 2.06(10)(c)1 and 2 exist. If the commissioner
814 determines that both of these conditions exist, he or she shall remove the school
815 from Level 5.

816 **(11) Effect of removal of school from Level 5; transitional period**

817 (a) Upon the commissioner's removal of a school from Level 5, the provisions of
818 M.G.L. c. 69, § 1J, for schools designated as chronically underperforming shall no
819 longer apply to it and the employment of any receiver for the school shall end.

820 (b) The district and school may continue to use the turnaround plan in order to
821 continue to improve school performance, renewing or revising it as appropriate,
822 provided that any feature of the turnaround plan that was adopted pursuant to
823 M.G.L. c. 69, § 1J(o), in contravention of any general or special law to the
824 contrary shall be discontinued unless the commissioner determined before
825 removing the school from Level 5 that such feature of the turnaround plan would
826 contribute to the continued improvement of the school and should continue for a
827 transitional period after the removal. The commissioner may allow more than one
828 such feature of the turnaround plan to continue.

829 (c) Upon making a determination pursuant to 603 CMR 2.06(11)(b) that such feature
830 or features of the turnaround plan should continue, the commissioner shall define
831 the progress that the school must make for each continuing feature of the plan to
832 be discontinued.

833 (d) On determination by the commissioner at any time, based on evidence that may
834 include evidence from a school or district review or a follow-up review, that the
835 school has made the progress defined under 603 CMR 2.06(11)(c) as necessary to
836 allow a continuing feature of the turnaround plan to be discontinued

- 837 1. such feature shall be discontinued; and
- 838 2. any powers granted to the commissioner or Board with respect to the
839 school under M.G.L. c. 69, § 1J, that did not cease on removal of the
840 school from Level 5 shall cease.

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841 (e) Two years after the removal of the school from Level 5, if any of the continuing
842 features of the turnaround plan has yet to be discontinued, the commissioner shall
843 conduct a review of the school to determine whether such continuing feature or
844 features should remain in place or be discontinued.

845 **(12) Termination of receivership and removal of district from Level 5**

846 (a) The commissioner shall define for each Level 5 district the academic and other
847 progress that it must make for it to be removed from Level 5. Such progress may
848 include:

- 849 1. an increase in student achievement for three years for students overall and
850 for each subgroup of students, as shown by:
- 851 | a. an increase in MCAS scores and an increase in average-median
852 student growth percentile;
 - 853 b. a reduction in the proficiency gap;
 - 854 c. a higher graduation rate; and
 - 855 d. a measure of postsecondary success, once the Department
856 identifies one that is sufficiently reliable, valid, and timely;
- 857 2. the implementation of district systems and practices that meet district
858 standards established under 603 CMR 2.03(4); and
- 859 3. progress in implementing in the district's schools the conditions for school
860 effectiveness described in 603 CMR 2.03(4)(b).

861 (b) The commissioner, in defining the required progress for the district, shall
862 customize it to the particular reasons the district was placed in Level 5, defining it
863 as any or all of the progress in 603 CMR 2.06(12)(a)1 through 3, or any other
864 progress the commissioner determines appropriate.

865 (c) The commissioner shall terminate the receivership and remove the district from
866 Level 5 when, at any time, the commissioner determines, based on evidence that
867 may include a report from the district's receiver or a follow-up review, that

- 868 1. the district has achieved the academic and other progress defined by the
869 commissioner under 603 CMR 2.06(12)(a) and (b) as necessary to allow it
870 to be removed from Level 5; and
- 871 2. the district has the capacity to continue making progress without the
872 accountability and assistance provided by Level 5.

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

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

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

Attachment 2: Proposed Changes to 603 CMR 2.00 (Tracked)

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

- 882 (b) The district may continue to use the turnaround plan in order to continue to
883 improve students' academic performance, renewing or revising it as appropriate,
884 provided that any feature of the turnaround plan that was adopted pursuant to
885 M.G.L. c. 69, § 1K(d), in contravention of any general or special law to the
886 contrary shall be discontinued unless the commissioner determined, before
887 removing the district from Level 5, that such feature of the turnaround plan would
888 contribute to the continued improvement of the district and should continue for a
889 transitional period after the removal. The commissioner may allow more than one
890 such feature of the turnaround plan to continue.
- 891 (c) Upon making a determination pursuant to 603 CMR 2.06(13)(b) that such feature
892 or features of the turnaround plan should continue, the commissioner shall define
893 the progress that the district must make for each continuing feature of the plan to
894 be discontinued.
- 895 (d) On determination by the commissioner at any time, based on evidence that may
896 include evidence from a district review or a follow-up review, that the district has
897 made the progress defined under 603 CMR 2.06(13)(c) as necessary to allow a
898 continuing feature of the turnaround plan to be discontinued:
- 899 1. such feature shall be discontinued; and
- 900 2. any powers granted to the commissioner or Board with respect to the
901 district under M.G.L. c. 69, § 1K, that did not cease on removal of the
902 district from Level 5 shall cease.
- 903 (e) Two years after the removal of the district from Level 5, if any of the continuing
904 features of the turnaround plan has yet to be discontinued, the commissioner shall
905 conduct a review of the district to determine whether such continuing feature or
906 features should remain in place or be discontinued.
- 907 **(14) Petition by school committee of a Level 5 district**
- 908 (a) When the school committee of a Level 5 district petitions the commissioner,
909 pursuant to M.G.L. c. 69, § 1K (i), for either modification of the turnaround plan
910 or elimination of the turnaround plan and termination of the receivership, the
911 commissioner shall decide the petition after considering the following:
- 912 1. written arguments and supporting documentation submitted with the
913 petition by the school committee;
- 914 2. written arguments and supporting documentation submitted in response to
915 the petition by the receiver; and
- 916 3. the report of any follow-up review conducted since the district was placed
917 in Level 5.
- 918 (b) If no follow-up review has been conducted within the last year before the
919 commissioner's receipt of the petition and the commissioner determines that such
920 a review would be useful in deciding on the petition, the commissioner may cause
921 one to be conducted and delay the decision on the petition until 30 days after
922 receiving the follow-up review report, provided that a decision on the petition
923 shall be made within four months of the commissioner's receipt of the petition.

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- 924 (c) Within 30 days of receiving the commissioner's decision, the school committee
925 may appeal an adverse decision to the Board. The Board shall consider the
926 evidence described in 603 CMR 2.06(14)(a)1 through 3 and may consider other
927 evidence from the school committee, receiver, and commissioner. The decision of
928 the Board shall be made within 60 days of receiving the appeal and shall be final.
- 929 (d) Neither the process before the commissioner nor the process before the Board
930 shall be an adjudicatory hearing.
- 931 (e) No petition for the elimination of the turnaround plan and termination of the
932 receivership shall be granted unless the commissioner or, in the case of an appeal,
933 the Board determines
- 934 1. that the district has achieved the progress defined by the commissioner
935 under 603 CMR 2.06(12)(a) as necessary to allow the district to be
936 removed from Level 5 or that the district has achieved other, comparable
937 or superior progress; and
 - 938 2. that the district has the capacity to continue making progress without the
939 accountability and assistance provided by Level 5.
- 940 (f) Upon a decision by the commissioner or the Board granting a petition for the
941 elimination of the turnaround plan and termination of the receivership, the
942 receivership shall be terminated and the district removed from Level 5.

943 2.07 Mathematics Content Assessments at Level 4 and Level 5 Schools

- 944 (1) **Requirement of taking a mathematics content assessment** The superintendent or the
945 school's receiver, if any, may require all mathematics teachers at a Level 4 school to take
946 a mathematics content assessment approved by the Department. The commissioner or the
947 school's receiver, if any, may require all mathematics teachers at a Level 5 school to take
948 a mathematics content assessment approved by the Department. A mathematics teacher
949 shall be required to take a mathematics content assessment pursuant to 603 CMR 2.07(1)
950 no more than once a year.
- 951 (2) **Use of results** Individual results on a mathematics content assessment taken pursuant to
952 603 CMR 2.07(1) shall be used by the mathematics teacher and the school principal in
953 developing or revising professional development plans, as provided in the Recertification
954 Regulations, 603 CMR 44.04(4), and shall be considered by school and district
955 administrators in turnaround planning in the school. These individual results are to be
956 used for diagnostic and turnaround planning purposes only, and individual mathematics
957 teachers' results shall not be considered public records.
- 958 (3) **Exceptions**
- 959 (a) A mathematics teacher who would otherwise be required to take a mathematics
960 content assessment pursuant to 603 CMR 2.07(1) shall not be required to take it if
961 the teacher:
- 962 1. has passed the Elementary Mathematics, Middle School Mathematics, or
963 Mathematics test of the Massachusetts Tests for Educator Licensure or has
964 passed or been deemed under 603 CMR 7.14(14)(g) to have passed the
965 Mathematics subtest of the General Curriculum test of the Massachusetts
966 Tests for Educator Licensure; and

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- 967 2. is appropriately licensed for the mathematics the teacher is teaching.
- 968 (b) The superintendent or commissioner or the schools receiver, if any, may waive
- 969 the mathematics content assessment requirement for an individual mathematics
- 970 teacher based on a finding that the teacher has demonstrated mastery of
- 971 mathematics or that special circumstances exist that make the assessment
- 972 requirement inappropriate or immaterial.

973

974 Regulatory Authority:

975 M.G.L. c. 69, § 1B; c. 69, §§ 1J and 1K, as amended by St. 2010, c. 12, § 3; c. 71, § 38G.