

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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.

The complete text of the regulations has been included. The complete text of the current regulations is 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 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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

46 language arts, mathematics, and science, in accordance with the federal Elementary and
47 Secondary Education Act (ESEA).

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

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

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

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

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

65 **Composite Performance Index or CPI** shall mean a 100-point index that assigns 100, 75, 50,
66 25, or 0 points to each student participating in MCAS and MCAS-Alt tests based on their
67 performance. The total points assigned to each student are added together and the sum is divided
68 by the total number of students assessed. The result is a number between 0 and 100, which
69 constitutes a district, school or group's CPI for that subject and student group. The CPI is a
70 measure of the extent to which students are progressing toward proficiency (a CPI of 100) in
71 English Language Arts (ELA), mathematics, and science. CPIs are generated separately for ELA,
72 mathematics, and science, and at all levels-state, district, school, and student group.

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

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

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

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

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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

89 demographics, access, performance, educator licensure and turnover, student support, and
90 educational resources.

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

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

95 **District review** shall mean a school district audit conducted by the Department under M.G.L. c.
96 15, § 55A, in accordance with a process and protocol established by the commissioner on behalf
97 of the Board pursuant to M.G.L. c. 69, § 1B, and based on published district standards and
98 indicators.

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

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

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

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

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

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

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

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

117 **Level 4 District Plan** shall mean a plan for improvement that a district placed in Level 4 is
118 required to develop and implement pursuant to 603 CMR 2.05(8)(b), (c), and (d). In the case of a
119 district in Level 4 that was declared underperforming by the Board before April 27, 2010, Level
120 4 District Plan shall mean the current version of the plan the district adopted as a result of having
121 been so declared. A Level 4 District Plan may serve as the district's District Improvement Plan.

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

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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

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

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

134 **Monitoring report:** a report from an accountability monitor appointed under 603 CMR
135 2.05(4)(b) or an individual or team appointed under 603 CMR 2.05(4)(c).

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

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

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

145 **Receiver** shall:

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

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

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

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

162 **School review** shall mean a school audit conducted by the Department under M.G.L. c. 15, §
163 55A, in accordance with a process and protocol established by the commissioner on behalf of the
164 Board pursuant to M.G.L. c. 69, § 1B.

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

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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

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

176 **Turnaround plan** shall mean the plan pursuant to G.L. c. 69, s. 1J or 1K, to improve student
177 achievement in a Level 4 or Level 5 school or a Level 5 district; the plan may also serve as the
178 School Improvement Plan or District Improvement Plan.

179

180 **2.03: Accountability and Assistance for Districts and Schools in All Levels**

181 (1) **Framework for district and school accountability and assistance** The Department
182 shall implement a five-level system for district and school accountability and assistance,
183 approved by the Board and known as the framework for district accountability and
184 assistance, for the purpose of improving student achievement. Both the priority for
185 assistance and the degree of intervention shall increase from Level 1 to Level 5, as the
186 severity and duration of identified problems increase. Under the framework, districts
187 shall hold their schools accountable for educating their students well and assist them in
188 doing so; the Department shall hold districts accountable for both of these functions and
189 assist them in fulfilling them.

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

192 (3) **District Analysis and Review Tools** The Department shall provide the District Analysis
193 and Review Tools to every district, including multiple data elements, giving schools the
194 capability of comparing themselves with similar schools or other schools of their choice,
195 and giving districts the capability of comparing themselves with similar districts or other
196 districts of their choice.

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

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

- 200 1. Leadership and governance;
- 201 2. Curriculum and instruction;
- 202 3. Assessment;
- 203 4. Human resources and professional development;
- 204 5. Student support; and
- 205 6. Financial and asset management.

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

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

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

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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

257 11. Strategic use of resources and adequate budget authority: The principal
258 makes effective and strategic use of district and school resources and has
259 sufficient budget authority to do so.

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

- 263 (a) The district's self-evaluation and planning process shall result, every three years,
264 in a comprehensive written three-year District Improvement Plan to improve the
265 performance of the district and its schools.
- 266 (b) Each year, every school shall adopt school performance goals and develop and
267 implement a written School Improvement Plan to advance those goals and
268 improve student performance. The School Improvement Plan shall be aligned
269 with the District Improvement Plan.
- 270 (c) A district's District Improvement Plan and School Improvement Plans shall be
271 based on an analysis of data, including but not limited to data on student
272 performance and the District Analysis and Review Tool provided by the
273 Department under 603 CMR 2.03(3), and an assessment of actions the district and
274 its schools must take to improve that performance.
- 275 (d) District Improvement Plans and School Improvement Plans shall, in form and
276 content, conform to requirements set forth in M.G.L. c. 69, § 1I.

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

- 278 (a) The Department shall make available a variety of such forms of assistance as
279 examples, tools, templates, protocols, and surveys to assist districts and schools in
280 assessing themselves and improving student performance.
- 281 (b) The Department shall also make available to districts, to the extent funding
282 allows, professional development opportunities and assistance from Department
283 staff members, Department contractors, or third party partners. Priority for
284 receiving professional development or assistance, as well as the degree of
285 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

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

- 288 (a) A school shall be placed in Level 1 or 2 of the framework for district
289 accountability and assistance based on the performance of students in the
290 aggregate and subgroups, according to the Department's annual performance
291 determination. The Department shall publish guidance for schools as to what
292 performance leads to placement in what level, including a description of the
293 methodology used.
- 294 (b) A school shall move from one level to another within Levels 1 and 2 by virtue of
295 change in the performance of students in the aggregate and subgroups, according
296 to the Department's annual performance determination, and in accordance with
297 guidance published by the Department pursuant to 603 CMR 2.04(1)(a).

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

- 298 (c) Districts shall be placed in Levels 1 and 2 in accordance with the levels of their
299 schools, and shall move from one level to another within Levels 1 and 2 by virtue
300 of change in their schools' levels pursuant to 603 CMR 2.04(1)(b). The
301 Department shall publish guidance for districts as to what performance leads to
302 placement in what level.
- 303 (2) **Placement of schools and districts in Level 3** A school shall be placed in Level 3 of the
304 framework for district accountability and assistance if any one of its subgroups scores
305 among the lowest performing subgroups in the state. The Department may place a school
306 in Level 3 if it scores in the lowest 20% statewide of schools serving common grade
307 levels pursuant to 603 CMR 2.05(2)(a). The Department shall publish guidance
308 describing the specific methodology used to identify Level 3 schools, as well as guidance
309 for districts as to what performance leads to placement in what level.
- 310 (3) **Self-assessment by districts in Level 3** A district in Level 3 shall use a process approved
311 by the Department to complete a self-assessment, shall use the self-assessment to identify
312 unmet conditions for school effectiveness (see 603 CMR 2.03(4)(b)), and shall address
313 the unmet conditions by revising its District Improvement Plan and School Improvement
314 Plans.

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

(1) Placement of districts in Level 4

- 315 (a) A district shall be placed in Level 4 if any of its schools has been placed in Level
316 4, pursuant to 603 CMR 2.05 (2).
- 317 (b) The Board may place a district in Level 4 upon recommendation of the
318 commissioner based on findings from a district review, monitoring report, or
319 follow-up review showing serious deficiencies, relating to one or more district
320 standards, that are likely if they are not addressed effectively and in a timely
321 manner to have a substantial negative effect on student performance in the
322 district, putting the district at risk of being placed in Level 5.
- 323 (c) A district may be placed in Level 4 pursuant to both 603 CMR 2.05(1)(a) and 603
324 CMR 2.05(1)(b).
- 325 (d) A district declared underperforming by a vote of the Board prior to April 27,
326 2010, shall remain in Level 4 until the commissioner makes the determination
327 described in 603 CMR 2.05(12)(b) and it has no schools in Level 4, unless the
328 Board has voted to remove the district from underperforming status.

(2) Placement of schools in Level 4

- 329 (a) A school shall be eligible for placement in Level 4 if it scores in the lowest 20%
330 statewide of schools serving common grade levels on a single measure developed
331 by the Department that takes into account at least:
- 332 1. school MCAS performance over a four-year period based on Composite
333 Performance Index (CPI) in English language arts; CPI in mathematics;
334 and percentages of students scoring in the "warning" or "failing" category
335 on MCAS; and
336 2. improvement in student academic performance.

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

- 340 (b) The commissioner may place a school in Level 4 on the basis of quantitative data
341 including but not limited to:
- 342 1. school MCAS performance over a four-year period based on Composite
343 Performance Index (CPI) in English language arts; CPI in mathematics;
344 and percentages of students scoring in the "warning" or "failing" category
345 on MCAS;
- 346 2. improvement in school MCAS performance as represented by change in
347 CPI (for years available, up to four);
- 348 3. annual growth in MCAS performance for students at the school as
349 compared with peers across the Commonwealth (for years available, up to
350 four);
- 351 4. in the case of high schools, graduation and dropout rates; or
- 352 5. other indicators of school performance including student attendance,
353 dismissal, suspension, exclusion, and promotion rates upon the
354 determination of each indicator's reliability and validity, or lack of
355 demonstrated significant improvement for two or more consecutive years
356 in core academic subjects, either in the aggregate or among subgroups of
357 students, including designations based on special education, low-income,
358 English language proficiency, and racial classifications; or on the basis of
359 information from a school or district review performed under M.G.L. c.15,
360 § 55A.
- 361 (c) Not more than 4% of the total number of public schools may be in Levels 4 and 5,
362 taken together, at any given time.
- 363 (d) Any school designated by the Board as chronically underperforming prior to 2010
364 may be placed in Level 4.
- 365 (3) **Notification** The Department shall notify districts of the placement of any of their
366 schools in Level 4. The notification shall be made to the school committee,
367 superintendent, and local teachers' union or association president, and the principal and
368 the parent organization of any school placed in Level 4.
- 369 (4) **Appointment of assistance and accountability personnel** Upon placement of a district
370 in Level 4 the Department may make any or all of the following appointments:
- 371 (a) an assistance liaison:
- 372 1. to support the district in developing and carrying out a turnaround plan for
373 each of its Level 4 schools, if any; and
- 374 2. to support the district in district improvement planning pursuant to 603
375 CMR 2.05(8), if required;
- 376 (b) an accountability monitor to determine and report on:
- 377 1. whether the goals, benchmarks, and timetable in the turnaround plan for
378 each of the district's Level 4 schools, if any, are being met; and
- 379 2. if the district has a Level 4 District Plan pursuant to 2.08(c), whether its
380 goals, benchmarks, and timetable are being met; and

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

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

(5) Turnaround plans for Level 4 schools

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

1. be authorized, pursuant to M.G.L. c. 69, s. § 1J(j), for a period of up to three years;
 2. fulfill the other requirements of M.G.L. c. 69, § 1J;
 3. provide for the implementation of the conditions for school effectiveness in 603 CMR 2.03(4)(b);
 4. include benchmarks by which to measure progress toward the annual goals included in the plan pursuant to M.G.L. c. 69, § 1J, and the conditions for school effectiveness, and a timetable for achieving those benchmarks;
 5. include descriptions of the assistance to be provided by the Department in support of the action steps in the plan, as agreed on by the Department and the superintendent, subject to the availability of resources for the Department to provide the assistance; and
 6. be prepared on a format provided by the Department.

(b) Once the superintendent has received the recommendations of the local stakeholder group under M.G.L. c. 69, § 1J(b), the superintendent may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreement, pursuant to M.G.L. c. 69, § 1J(g). If necessary, the 30 days provided by M.G.L. c. 69, § 1J(e) for the superintendent to submit a turnaround plan for modifications to the local stakeholder group, school committee, and commissioner shall be extended, without exceeding the time periods mandated by M.G.L. c. 69, § 1J(g), to provide time for bargaining, ratification, a dispute resolution process, the submission of a decision by the joint resolution committee, or a resolution by the commissioner, pursuant to M.G.L. c. 69, § 1J(g).

(c) Within 30 days of the issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e), the commissioner shall review the plan and may, in consultation with the superintendent, modify the plan if the commissioner determines that

1. such modifications would further promote the rapid academic achievement of students in the school;
 2. a component of the plan was included, or a modification under M.G.L. c. 69, § 1J(e) was excluded, on the basis of demonstrably false information or evidence; or
 3. the superintendent failed to meet the requirements of M.G.L. c. 69, § 1J(b) to (e), inclusive.

(d) Within 30 days of the issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e), the school committee or local union may appeal to the commissioner one or more components of the plan pursuant to M.G.L. c. 69, §

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

422 1J(f). Within 30 days of the receipt of such appeal, the commissioner shall decide
423 the appeal and may, in consultation with the superintendent, make one or more
424 modifications to the plan based on the appeal if the commissioner makes any of
425 the determinations in 603 CMR 2.05(5)(c)1 through 3. The commissioner's
426 decision on the appeal shall be final.

427 (e) Within 30 days of the receipt of the last appeal made under M.G.L. c. 69, § 1J(f)
428 and 603 CMR 2.05(5)(d), or, if no such appeal is received within 30 days of the
429 issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e),
430 at the expiration of those 30 days, the commissioner shall return the turnaround
431 plan to the superintendent incorporating any modifications made under 603 CMR
432 2.05(5)(c) or (d), or both. Such return of the plan to the superintendent shall
433 constitute the commissioner's approval, pursuant to M.G.L. c. 69, § 1J(b), of the
434 plan returned.

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

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

439 (a) If the superintendent appoints a receiver for a school in Level 4 pursuant to
440 M.G.L. c. 69, s. 1J(h), the superintendent shall define the scope of the receiver's
441 powers, up to and including all of the powers of the superintendent over the
442 school, including all of the powers granted by M.G.L. c. 69, s. 1J. The
443 superintendent may from time to time modify the scope of the receiver's powers
444 based on conditions in the school. The receiver shall report directly to the
445 superintendent.

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

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

451 (a) Each Level 4 district shall include, in the turnaround plan developed pursuant to
452 603 CMR 2.05(5)(a) for each of its Level 4 schools, provisions for the
453 improvement of district systems for school support and intervention in accordance
454 with the condition for school effectiveness in 603 CMR 2.03(4)(b)(1).

455 (b) If a district has been placed in Level 4 pursuant to 603 CMR 2.05(1)(b), the
456 Department shall notify the Level 4 district that it is required to develop a Level 4
457 District Plan in order to correct the serious deficiencies identified in the district
458 pursuant to 603 CMR 2.05(1)(b); if a district has been placed in Level 4 pursuant
459 to 603 CMR 2.05(1)(a), the Department may notify it that it is required to develop
460 a Level 4 District Plan in order to aid in turning around its Level 4 school or
461 schools.

462 (c) Each Level 4 district notified by the Department pursuant to 603 CMR 2.05(8)(b)
463 shall develop a Level 4 District Plan that includes goals and benchmarks
464 appropriate to the reasons it has been required to develop a Level 4 District Plan,
465 along with strategies, action steps, and a timetable for achieving those goals and

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

466 benchmarks. The Level 4 District Plan shall be prepared on a format provided by
467 the Department.

468 (d) A Level 4 district shall submit any required Level 4 District Plan and any
469 successor Level 4 District Plan for approval by the Department. A district whose
470 Level 4 District Plan is approved by the Department shall receive priority for
471 Department assistance. From year to year, continued priority for Department
472 assistance shall be dependent on the district's success in achieving the goals and
473 benchmarks in the approved Level 4 District Plan or approved successor Level 4
474 District Plan in accordance with the approved timetable.

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

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

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

- 481 i. an increase in student achievement for three years for students
482 overall and for each subgroup of students, as shown by;
- 483 1. an increase in MCAS scores and an increase in median
484 student growth percentile;
- 485 2. a reduction in the proficiency gap;
- 486 3. (for a high school) a higher graduation rate; and
- 487 4. (for a high school) a measure of postsecondary success,
488 once the Department identifies one that is sufficiently
489 reliable, valid, and timely; and
- 490 ii. progress in implementing the conditions for school
491 effectiveness described in 603 CMR 2.03(4)(b).

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

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

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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

- ii. the district has the capacity to continue making progress in improving school performance without the accountability and assistance provided due to the school's placement in Level 4.

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

(e) Notwithstanding the foregoing requirements of 603 CMR 2.04(10), the commissioner may remove from Level 4 any school for which he or she approves a proposal of closure.
- #### **Effect of removal of school from Level 4; transitional period**
- Upon the commissioner's removal of a school from Level 4 pursuant to 603 CMR 2.05(10)(c) or (d), the provisions of M.G.L. c. 69, § 1J, for schools designated as underperforming shall no longer apply to it and the employment of any receiver for the school shall end.
- The district and school may continue their relationship with any external partner appointed to advise or assist the superintendent in the implementation of the turnaround plan and may continue to use the turnaround plan in order to continue to improve school performance, renewing or revising it as appropriate, provided that any feature of the turnaround plan that was adopted pursuant to M.G.L. c. 69, § 1J(d), in contravention of any general or special law to the contrary shall be discontinued unless:
- i. no more than one year before the removal of the school from Level 4 the superintendent proposed to continue such feature of the turnaround plan for a transitional period after the school's removal from Level 4, supporting this proposal with a written explication of the reasons this continuation is necessary and providing the school committee, the teachers' union or association, and the parent organization for the school with a copy of the proposal and supporting documents; and
 - ii. before removing the school from Level 4 the commissioner determined, after considering any opposition from the school committee, the teachers' union or association, or the parent organization for the school, that such feature of the turnaround plan would contribute to the continued improvement of the school and should continue after the removal.

The superintendent may propose to continue and the commissioner may allow to continue more than one such feature of the turnaround plan.

- (c) Upon making a determination pursuant to 603 CMR 2.05(11)(b)2 that such feature or features of the turnaround plan should continue, the commissioner shall define the progress that the school must make for each continuing feature of the plan to be discontinued.
 - (d) On determination by the commissioner at any time, based on evidence that may include evidence from a school or district review or a follow-up review, that the

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

549 school has made the progress defined under 603 CMR 2.05(11)(c) as necessary to
550 allow a continuing feature of the turnaround plan to be discontinued

551 i. such feature shall be discontinued; and

552 ii. any powers granted to the commissioner or Board with respect to the
553 school under M.G.L. c. 69, § 1J, that did not cease on removal of the
554 school from Level 4 shall cease.

555 (e) Two years after the removal of the school from Level 4, if any of the continuing
556 features of the turnaround plan has yet to be discontinued, the commissioner shall
557 conduct a review of the school to determine whether such continuing feature or
558 features should remain in place or be discontinued.

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

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

564 (b) A district with a Level 4 District Plan shall be removed from Level 4 by the
565 commissioner, unless it has a school or schools in Level 4, when the
566 commissioner determines, based on evidence that may include evidence from a
567 monitoring report or from a follow-up review, that

568 i. the district has satisfactorily achieved the goals and benchmarks of its
569 Level 4 District Plan; and

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

572 **2.06 Accountability and Assistance for Districts and Schools in Level 5**

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

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

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

582 2. improvement in student academic achievement.

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

586 1. a district review report;

587 2. a monitoring report;

588 3. a follow-up review report;

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

- 589 4. quantitative indicators such as student attendance, dismissal, suspension,
590 exclusion, promotion, graduation, and dropout rates, upon the
591 determination of each indicator's reliability and validity, or lack of
592 demonstrated significant improvement for two or more consecutive years
593 in core academic subjects, either in the aggregate or among subgroups of
594 students, including designations based on special education, low-income,
595 English language proficiency, and racial classifications, or annual growth
596 in MCAS performance for students in the district as compared with peers
597 across the Commonwealth; or
598 5. the failure of a Level 4 district to meet, in a timely manner, the
599 benchmarks or goals in its current Level 4 District Plan as approved by the
600 Department pursuant to 603 CMR 2.05(8)(d).

- 601 (c) Not more than 2.5% of the total number of school districts may be in Level 5 at
602 any given time.
603 (d) Before the commissioner recommends that an eligible district be placed in Level
604 5, a district review team including at least one member with expertise in the
605 academic achievement of students with limited English proficiency shall conduct
606 a district review to assess and report on the reasons for the district's
607 underperformance and the prospects for improvement, unless the commissioner
608 determines that a new review is unnecessary because a district review conducted
609 within the last year is adequate.
610 (e) Before placing a district in Level 5, the Board shall consider the findings of the
611 most recent district review, as well as multiple quantitative indicators of district
612 quality such as those listed in 603 CMR 2.06(1)(b)4.
613 (f) School district and municipal officials, including the school committee, as well as
614 the local teachers' union or association president or designee, a representative of
615 the local parent organization, and members of the public, shall have an
616 opportunity to be heard by the Board before final action by the Board to place the
617 district in Level 5.

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

- 619 (a) The commissioner may place a Level 4 school in Level 5 at the expiration of its
620 turnaround plan if the commissioner determines:
621 1. that the school has failed to improve as required by the goals, benchmarks,
622 or timetable of the turnaround plan; or
623 2. that the school has failed to make significant improvement and that
624 conditions in the district make it unlikely that the school will make
625 significant improvement unless it is placed in Level 5.
626 (b) School, school district, and municipal officials, including the school committee,
627 as well as the local teachers' union or association president or designee, a
628 representative of the school's parent organization, and family members of students
629 at the school, shall have an opportunity to meet with the commissioner or his or
630 her designee before the commissioner places a school in Level 5.

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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

- 632 (a) Following the placement of a district in Level 5 under 603 CMR 2.06(1)(b), the
633 commissioner, on behalf of the Board, shall appoint a receiver for the district
634 pursuant to M.G.L. c. 69, § 1K(a).
- 635 (b) The receiver shall have the powers provided to the receiver by M.G.L. c. 69, §
636 1K, including all of the powers of the superintendent and school committee and
637 full managerial and operational control over the district, provided that the district
638 shall remain the employer of record for all other purposes, and provided further
639 that the commissioner may define the scope of the receiver's powers up to those
640 set forth in M.G.L. c. 69, § 1K, based on conditions in the district or its schools.
641 The commissioner may from time to time modify the scope of the receiver's
642 powers based on conditions in the district or its schools.
- 643 (4) **Replacement of receiver for a district in Level 5** If the commissioner terminates the
644 receiver for a district in Level 5 pursuant to M.G.L. c. 69, § 1K(h), the commissioner
645 shall appoint another receiver for the district in accordance with M.G.L. c. 69, § 1K(a)
646 and 603 CMR 2.06(3)(b).
- 647 (5) **Receiver for a school in Level 5**
- 648 (a) A receiver appointed by the commissioner for a school in Level 5 pursuant to
649 M.G.L. c. 69, s. 1J(r), shall have all of the powers that the superintendent
650 previously had over the school and all of the powers granted to a receiver for a
651 Level 5 school by M.G.L. c. 69, s. 1J. The receiver shall report directly to the
652 commissioner.
- 653 (b) If the commissioner terminates the receiver for a school in Level 5 pursuant to
654 M.G.L. c. 69, § 1J(v), the commissioner may appoint another receiver for the
655 school in accordance with M.G.L. c. 69, § 1J(r) and 603 CMR 2.06(5)(a).
- 656 (6) **Turnaround plans for Level 5 schools** The turnaround plan developed for each school
657 placed in Level 5 shall
- 658 (a) be authorized, pursuant to M.G.L. c. 69, § 1J(t), for a period of up to three years;
- 659 (b) fulfill the other requirements of M.G.L. c. 69, § 1J;
- 660 (c) provide for the implementation of the conditions for school effectiveness in 603
661 CMR 2.03(4)(b);
- 662 (d) include benchmarks by which to measure progress toward the annual goals
663 included in the plan pursuant to M.G.L. c. 69, § 1J, and the conditions for school
664 effectiveness, and a timetable for achieving those benchmarks;
- 665 (e) include descriptions of the assistance to be provided by the Department in support
666 of the action steps in the plan, subject to the availability of resources for the
667 Department to provide the assistance; and
- 668 (f) be prepared on a format developed by the Department.
- 669 (7) **Turnaround plans for Level 5 districts** The turnaround plan developed for each district
670 placed in Level 5 shall:
- 671 (a) focus, pursuant to M.G.L. c. 69, § 1K(b), on any Level 5 school or schools in the
672 district and, using the most recent district review report as a guide, on any district

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

- 673 policies or practices that have contributed to the placement of the school or
674 schools or district in Level 5, including but not limited to district systems for
675 school support and intervention;
- 676 (b) be authorized, pursuant to M.G.L. c. 69, § 1K(f), for a period of up to three years;
- 677 (c) fulfill the other requirements of M.G.L. c. 69, § 1K;
- 678 (d) if the district has any Level 4 or Level 5 schools, provide for the implementation
679 in the district of the systems and processes necessary to bring about the conditions
680 for school effectiveness in 603 CMR 2.03(4)(b), including, pursuant to M.G.L. c.
681 69, § 1K, new turnaround plans for any Level 4 or 5 school for which the
682 turnaround plans are deemed inadequate by the receiver.
- 683 (e) include, for the district: benchmarks by which to measure progress toward the
684 annual goals included in the plan pursuant to M.G.L. c. 69, § 1K, and a timetable
685 for achieving those benchmarks;
- 686 (f) describe the assistance to be provided by the Department in support of the action
687 steps in the plan, subject to the availability of the resources for the Department to
688 provide the assistance; and
- 689 (g) be prepared on a format developed by the Department.

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

- 691 (a) Quarterly reports for Level 5 schools, including the review by the commissioner
692 to be submitted at least annually to the superintendent and the school committee,
693 shall be submitted pursuant to M.G.L. c. 69, § 1J(u) and (v) on a format
694 developed by the Department.
- 695 (b) Quarterly reports for Level 5 districts, including the evaluation by the
696 commissioner to be submitted at least annually to the Board and the school
697 committee, shall be submitted pursuant to M.G.L. c. 69, § 1K(g) and (h) on a format
698 developed by the Department.

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

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

- 702 (a) The commissioner shall define for each Level 5 school the academic and other
703 progress that it must make for it to be removed from Level 5. Such progress may
704 include:
- 705 1. an increase in student achievement for three years for students overall and
706 for each subgroup of students, as shown by:
- 707 a. an increase in MCAS scores and an increase in median student
708 growth percentile;
- 709 b. a reduction in the proficiency gap;
- 710 c. (for a high school) a higher graduation rate; and

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

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

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

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

757 1. such feature shall be discontinued; and

758 2. any powers granted to the commissioner or Board with respect to the
759 school under M.G.L. c. 69, § 1J, that did not cease on removal of the
760 school from Level 5 shall cease.

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

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

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

769 1. an increase in student achievement for three years for students overall and
770 for each subgroup of students, as shown by:
771 a. an increase in MCAS scores and an increase in median student
772 growth percentile;
773 b. a reduction in the proficiency gap;
774 c. a higher graduation rate; and
775 d. a measure of postsecondary success, once the Department
776 identifies one that is sufficiently reliable, valid, and timely;

777 2. the implementation of district systems and practices that meet district
778 standards established under 603 CMR 2.03(4); and

779 3. progress in implementing in the district's schools the conditions for school
780 effectiveness described in 603 CMR 2.03(4)(b).

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

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

788 1. the district has achieved the academic and other progress defined by the
789 commissioner under 603 CMR 2.06(12)(a) and (b) as necessary to allow it
790 to be removed from Level 5; and

791 2. the district has the capacity to continue making progress without the
792 accountability and assistance provided by Level 5.

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

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

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

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

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

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

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

- 819 1. such feature shall be discontinued; and
- 820 2. any powers granted to the commissioner or Board with respect to the
821 district under M.G.L. c. 69, § 1K, that did not cease on removal of the
822 district from Level 5 shall cease.

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

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

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

- 832 1. written arguments and supporting documentation submitted with the
833 petition by the school committee;

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

834 2. written arguments and supporting documentation submitted in response to
835 the petition by the receiver; and

836 3. the report of any follow-up review conducted since the district was placed
837 in Level 5.

838 (b) If no follow-up review has been conducted within the last year before the
839 commissioner's receipt of the petition and the commissioner determines that such
840 a review would be useful in deciding on the petition, the commissioner may cause
841 one to be conducted and delay the decision on the petition until 30 days after
842 receiving the follow-up review report, provided that a decision on the petition
843 shall be made within four months of the commissioner's receipt of the petition.

844 (c) Within 30 days of receiving the commissioner's decision, the school committee
845 may appeal an adverse decision to the Board. The Board shall consider the
846 evidence described in 603 CMR 2.06(14)(a)1 through 3 and may consider other
847 evidence from the school committee, receiver, and commissioner. The decision of
848 the Board shall be made within 60 days of receiving the appeal and shall be final.

849 (d) Neither the process before the commissioner nor the process before the Board
850 shall be an adjudicatory hearing.

851 (e) No petition for the elimination of the turnaround plan and termination of the
852 receivership shall be granted unless the commissioner or, in the case of an appeal,
853 the Board determines

854 1. that the district has achieved the progress defined by the commissioner
855 under 603 CMR 2.06(12)(a) as necessary to allow the district to be
856 removed from Level 5 or that the district has achieved other, comparable
857 or superior progress; and

858 2. that the district has the capacity to continue making progress without the
859 accountability and assistance provided by Level 5.

860 (f) Upon a decision by the commissioner or the Board granting a petition for the
861 elimination of the turnaround plan and termination of the receivership, the
862 receivership shall be terminated and the district removed from Level 5.

2.07 Mathematics Content Assessments at Level 4 and Level 5 Schools

864 (1) **Requirement of taking a mathematics content assessment** The superintendent or the
865 school's receiver, if any, may require all mathematics teachers at a Level 4 school to take
866 a mathematics content assessment approved by the Department. The commissioner or the
867 school's receiver, if any, may require all mathematics teachers at a Level 5 school to take
868 a mathematics content assessment approved by the Department. A mathematics teacher
869 shall be required to take a mathematics content assessment pursuant to 603 CMR 2.07(1)
870 no more than once a year.

871 (2) **Use of results** Individual results on a mathematics content assessment taken pursuant to
872 603 CMR 2.07(1) shall be used by the mathematics teacher and the school principal in
873 developing or revising professional development plans, as provided in the Recertification
874 Regulations, 603 CMR 44.04(4), and shall be considered by school and district
875 administrators in turnaround planning in the school. These individual results are to be

Attachment 3: 603 CMR 2.00 as It Would Look with Proposed Changes Accepted

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

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

878 **(3) Exceptions**

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

882 1. has passed the Elementary Mathematics, Middle School Mathematics, or
883 Mathematics test of the Massachusetts Tests for Educator Licensure or has
884 passed or been deemed under 603 CMR 7.14(14)(g) to have passed the
885 Mathematics subtest of the General Curriculum test of the Massachusetts
886 Tests for Educator Licensure; and

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

888 (b) The superintendent or commissioner or the schools receiver, if any, may waive
889 the mathematics content assessment requirement for an individual mathematics
890 teacher based on a finding that the teacher has demonstrated mastery of
891 mathematics or that special circumstances exist that make the assessment
892 requirement inappropriate or immaterial.

893

894 Regulatory Authority:

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