

Attachment 4

Excerpts from Laws and Regulations – Level 4 (Underperforming) Schools

From An Act Relative to the Achievement Gap (MGL Chapter 69, Section 1J)

(l) Upon the expiration of a turnaround plan, the commissioner shall conduct a review of the school to determine whether the school has improved sufficiently, requires further improvement or has failed to improve. On the basis of such review, the commissioner may determine that: (1) the school has improved sufficiently for the designation of the school as underperforming to be removed; (2) the school has improved, but the school remains underperforming, in which case the superintendent may, with the approval of the commissioner, renew the plan or create a new or modified plan for an additional period of not more than 3 years, consistent with the requirements of subsections (a) to (g); or (3) consistent with the requirements of subsection (a), the school is chronically underperforming. The commissioner may recommend the appointment of an external receiver by the superintendent if the commissioner believes that a new or modified turnaround plan implemented by the superintendent will not result in rapid improvement. In carrying out this subsection, the superintendent shall: (1) in the case of a renewal of a turnaround plan, determine subsequent annual goals for each component of the plan with the input of the local stakeholder group as defined in subsection (b); or (2) create a new or modified turnaround plan as necessary, consistent with the requirements of this section.

From Education Regulations (Accountability and Assistance for Schools and Districts – 603 CMR 2.05)

(10) Removal of school from Level 4

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

1. an increase in student achievement for three years for students overall and for each subgroup of students, as shown by:
 - a. an increase in MCAS scores and an increase in median student growth percentile;
 - b. a reduction in the proficiency gap;
 - c. (for a high school) a higher graduation rate; and
 - 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 4, defining it as any or all of the progress in 2.05(10)(a)1 and 2, or any other progress the commissioner determines appropriate.

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

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

(d) At the expiration of the turnaround plan, in conducting a review of the school pursuant to M.G.L. c. 69, § 1J(1), 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.

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

(a) 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.

(b) 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:

1. 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
2. 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 school has made the progress defined under 603 CMR 2.05(11)(c) as necessary to allow a continuing feature of the turnaround plan to be discontinued

1. such feature shall be discontinued; and
2. any powers granted to the commissioner or Board with respect to the school under M.G.L. c. 69, § 1J, that did not cease on removal of the school from Level 4 shall cease.

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