

**Marlborough**

**TIERED FOCUSED MONITORING**

**REPORT**

**Dates of Onsite Visit:** **November 30, 2020 - December 4, 2020**

**Date of Draft Report:** **December 29, 2020**

**Date of Final Report: February 18, 2021**

**Action Plan Due: April 9, 2021**

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Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUS MONITORING REPORT**

**Marlborough**

**SCOPE OF TIER FOCUSED MONITORING REVIEWS**

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through Tiered Focused Monitoring (TFM). All reviews cover selected requirements in the following areas:

**Federal:**

(**Note**: “*U.S.C.” refers to the United States Code)*

**Title VI: *Title VI of the Civil Rights Act of 1964***

Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color or national origin in programs or activities receiving federal financial assistance. Title VI is codified at 42 U.S.C. 2000d *et seq.*; regulations have been promulgated in the Code of Federal Regulations (C.F.R.) at 34 C.F.R. Part 100.

**EEOA: *the Equal Educational Opportunities Act of 1974***

Prohibits the denial of equal educational opportunity to English learners in public schools on account of national origin, by the failure “to take appropriate action to overcome language barriers that impede equal participation …in its instructional programs.” See 20 U.S.C. 1703(f)*.* (The EEOA also prohibits the denial of equal educational opportunity based on race, color, or sex.)

**ESEA: *Elementary and Secondary Education Act of 1965***

The Elementary and Secondary Education Act of 1965 (ESEA) was reauthorized through the Every Student Succeeds Act of 2015 (ESSA). ESEA governs elementary and secondary education. It is codified at 20 USC 6301 *et seq.*

**Massachusetts:**

(**Note:** *Most Massachusetts education statutes are available at* [*http://www.doe.mass.edu/lawsregs/statelaws.html*](http://www.doe.mass.edu/lawsregs/statelaws.html). *Legislation that has been filed may be found at* [*https://malegislature.gov/Laws/GeneralLaws/Search*](https://malegislature.gov/Laws/GeneralLaws/Search) *. Department of Elementary and Secondary Education regulations are available at* [*http://www.doe.mass.edu/lawsregs/stateregs.html*](http://www.doe.mass.edu/lawsregs/stateregs.html)*.)*

**G.L. c. 69: *Massachusetts General Laws, Chapter 69***

Establishes the powers and duties of the Department of Elementary and Secondary Education.

**G.L. c. 71A: *Massachusetts General Laws, Chapter 71A***

Governs the education of ELs. Regulations have been promulgated under it at 603 CMR 14.00.

**G.L. c. 71B: *Massachusetts General Laws, Chapter 71B***

Governs the education of students with disabilities. State special education regulations are at 603 CMR 28.00.

**G.L. c. 76: *Massachusetts General Laws, Chapter 76***

Governs school attendance and various other school-related matters. Section 5 prohibits discrimination in all public schools on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation. See also Access to Equal Educational Opportunities Regulations: 603 CMR 26.00.

**St. 2002, c. 218: *Chapter 218 of the Massachusetts Acts of 2002***

Section 24 requires each school district to have at least one teacher licensed in ESL, TBE, or ELL. (See Implementation Guidance under ELE14.) In districts of 200 or more ELs, any person appointed as director of an ELE program must be licensed in ESL or bilingual education, or hold such other license required by law for such other ELE program.

**TIERED FOCUSED MONITORING ELEMENTS**

**Team:** Depending upon the size of a school district and the number of programs to be reviewed, a team of one to eight Department staff members conducts onsite activities over one to five days in a school district or charter school (district).

**Timing:** Each school district in the Commonwealth is scheduled to receive a Tiered Focused Monitoring Review every six years except the districts and charter schools that repeat as Tier 4 for three consecutive years. These districts’ ELE programs are reviewed every 3 years until such time they are no longer Tier 4. . The statewide Tiered Focused Monitoring cycle is posted at <<<https://www.doe.mass.edu/psm/tfm/default.html>>>.

**Tier Level:** Each district is assigned to one of four tier levels: Tier 1/Self-Directed Improvement; Tier 2/Directed Self-Improvement; Tier 3/Corrective Action; and Tier 4/Cross-unit Support and Corrective Action. The Tiered Focused Monitoring process and subsequent technical assistance varies by monitoring tier. Each district is assigned to a monitoring tier based on a risk assessment. The risk assessment will identify the potential for which districts may need support in improving outcomes for English learners (ELs). The risk assessment is based on the districts’ results on the ESE Accountability measure of progress towards achieving English language proficiency and other relevant data. Districts in Tiers 1 and 2 have been determined to have no or low risk. Districts in Tiers 3 and 4 have demonstrated greater risk. Agency intervention, additional onsite monitoring, and provision of technical assistance varies based on districts’ tier level, allowing the Department to direct resources to those districts requiring the most support.

1. Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements.
2. Tier 2/Directed Self-Improvement: No demonstrated risk in areas with close link to student outcomes – low risk.
3. Tier 3/Corrective Action: Areas of concern include both compliance and student outcomes – moderate risk.
4. Tier 4/Cross-unit Support and Corrective Action: Areas of concern have a profound effect on student outcomes and ongoing compliance – high risk.

**Process:** The monitoring process differs depending on the tier assigned to the district as well as the district’s previous tier assignment.

 There are 13 ELE criteria that target implementation of the requirements related to ELE programs under state and federal law and regulations:

 ELE 1: Annual English Language Proficiency Assessment

 ELE 2: State Accountability Assessment

 ELE 3: Initial Identification of ELs and FELs

 ELE 5: ELE Program and Services

 ELE 6: Program Exit and Readiness

 ELE 7: Parent Involvement

 ELE 8: Declining Entry to a Program

 ELE 10: Parental Notification

 ELE 13: Follow-up Support

 ELE 14: Licensure Requirements

 ELE 15: Professional Development Requirements

 ELE 17: Program Evaluation

 ELE 18: Records of ELs

The review process includes the following:

1. Self-Assessment
* District reviews English Learner Education documentation for required elements including document uploads.
* District reviews a sample of English learner (EL) student records selected across grade levels and EL focus areas such as opt-out students, former ELs and students and/or parents who need translation and/or interpretation.
* Upon completion of these two internal reviews, the district’s self-assessment is submitted to the Department for review.
1. Verification
* Review of EL student records: The Department may select a sample of student records and request certain documentation to be uploaded to the WBMS as evidence of implementation of the ELE criteria.
* Review of additional documents for English Learner Education
* Surveys of parents of ELs: Parents of ELs are sent a survey that solicits information regarding their experiences with the district’s implementation of English Learner Education program(s), related services, and procedural requirements.
* Interviews of staff, parents and community members as applicable

**Report:** **For Tier 3 & 4 Tiered Focused Monitoring Reviews**

At the end of the onsite visit, the onsite team holds an informal exit meeting to summarize its comments for the superintendent or charter school leader and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson forwards to the superintendent or charter school leader a Draft Report containing comments from the Tiered Focused Monitoring Review. The Draft Report comments for English Learner Education program are provided to the district/school on-line through the Web-based Monitoring System (WBMS). Within10 business days of receipt of the Draft Report, the district/charter school reviews and comments on the report for factual accuracy before the publication of a Final Report with ratings and findings (see below). The Tiered Focused Monitoring Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department’s website at <<https://www.doe.mass.edu/ele/cpr/>>.

**Content of Final Report:**

*Ratings.* In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are “Commendable,” “Implemented,” “Implementation in Progress,” “Partially Implemented,” “Not Implemented,” and “Not Applicable”.

*Findings.* The onsite team includes a finding in the Final Report for each criterion that it rates “Commendable,” “Partially Implemented,” “Not Implemented,” or “Implementation in Progress,” explaining the basis for the rating.

**Response:** Where criteria are found “Partially Implemented” or “Not Implemented,” the district or charter school must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan (CAP) will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department’s review and approval. Department staff will offer districts and charter schools technical assistance on the content and requirements for developing an approvable CAP.

Department staff will also provide ongoing technical assistance as the school or district is implementing the approved corrective action plan. **Districts and must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department’s Final Tiered Focused Monitoring Report.**

# **INTRODUCTION TO THE FINAL REPORT**

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The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review in Marlborough during the week of November 30, 2020 to evaluate the implementation of English Learner Education and other related general education requirements. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district.

The Department is submitting the following Tiered Focused Monitoring Report containing findings made pursuant to this onsite visit. In preparing this report, the team reviewed student records, extensive written documentation regarding the operation of the district's programs, together with information gathered by means of the following Department program review methods:

Interviews of:

* Administrative staff
* Teaching and support services staff (as applicable)
* English Learner Education parent advisory council representative(s) (as applicable)
* Persons from the general public (as applicable)

Surveys:

* Parents of English learners

The report includes findings in the program areas reviewed based on the ELE criteria below:

**ELE 1: Annual English Language Proficiency Assessment**

**ELE 2: State Accountability Assessment**

**ELE 3: Initial Identification of ELs and FELs**

**ELE 5: ELE Program and Services**

**ELE 6: Program Exit and Readiness**

**ELE 7: Parent Involvement**

**ELE 8: Declining Entry to a Program**

**ELE 10: Parental Notification**

**ELE 13: Fallow-up Support**

**ELE 14: Licensure Requirements**

**ELE 15: Professional Development Requirements**

**ELE 17: Program Evaluation**

**ELE 18: Records of ELs**

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| The Tiered Focused Monitoring Report includes those criteria that were found by the team to be implemented in a “Commendable” manner, as well as criteria receiving a rating of "Partially Implemented," "Not Implemented," and “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) The Tiered Focused Monitoring Reports do not include criteria receiving a rating of “Implemented” or “Not Applicable.” This will allow the district/school and the Department to focus their efforts on those areas requiring corrective action. Districts are expected to incorporate the corrective actions into their district and school improvement plans, including their professional development plans. |

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| **DEFINITION OF COMPLIANCE RATINGS** |
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| **Commendable** | Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation. |
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| **Implemented** | The requirement is substantially met in all important aspects. |
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| **Implementation in Progress** | This rating is used for criteria containing new or updated legal requirements; the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year. |
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| **Partially Implemented** | The requirement, in one or several important aspects, is not entirely met. |
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| **Not Implemented** | The requirement is totally or substantially not met. |
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| **Not Applicable**  | The requirement does not apply to the school district or charter school. |

Marlborough

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT**

The Department reviewed extensive written documentation regarding the operation of the district's ELE program(s), together with information gathered by staff interviews, a review of documentation from student records and parent surveys. This report includes those criteria that were found by the team to be implemented in a “Commendable” manner, as well as criteria receiving a rating of "Partially Implemented," "Not Implemented," or “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.)

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **English Learner Education Requirements** |
| **IMPLEMENTED** | ELE 1, ELE 2, ELE 3, ELE 5, ELE 6, ELE 7, ELE 8, ELE 13, ELE 14, ELE 15, ELE 17, ELE 18 |
| **PARTIALLY****IMPLEMENTED** | ELE 10 |

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| **ENGLISH LEARNER EDUCATION****LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** | **III. PARENT AND COMMUNITY INVOLVEMENT** |
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|  | **Legal Standard** |
| ELE 10Parental Notification | 1. State law parental notification requirement: School districts shall, at least annually, inform the parents or legal guardians of ELs of their rights to:
	1. choose a language acquisition program among those offered by the school district;
	2. request a new language acquisition program; or
	3. withdraw a student from a language acquisition program.

Notice shall be sent by mail no later than 10 days after the enrollment of the student in the school district. The notice shall, to the extent possible:* 1. be in a language that is understandable to the parents or legal guardians;
	2. contain a simple, easy to understand description of the purpose, method and content of the available programs;
	3. inform the parent or legal guardian of the right to visit an ELE program in the school district; and
	4. inform the parent or legal guardian of available conferences or meetings to learn more about the English learner programs offered in the school district.
1. Federal law parental notification requirement: Each local educational agency will inform parents of an English learner identified for participation or participating in an ELE program, of:
	1. the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;
	2. the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;
	3. the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;
	4. how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;
	5. how such a program will specifically help their child learn English and meet age appropriate academic achievement standards for grade promotion and graduation;
	6. the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds are used for children in high schools;
	7. in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
	8. information pertaining to parental rights that includes written guidance:
		* + 1. detailing the right that parents have to have their child immediately removed from such program upon their request;
				2. detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
				3. assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

This notification must be provided **not later than 30 days after the beginning of the school year**. For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall provide this notification during the first 2 weeks of the child being placed in an ELE program.This notification must be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.1. The district shall send report cards and progress reports including, but not limited to, progress in becoming proficient in using English language and other school communications to the parents or legal guardians of students in the English learners programs in the same manner and the frequency as report cards and progress reports to the other students enrolled in the district. The reports are, to the maximum extent practicable, written in a language understandable to the parent/guardian.
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|  | **State Requirements** | **Federal Requirements** |
|  | G.L. c. 71A, §§ 7, 12; 603 CMR 14.02 | ESEA |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Documentation and student records indicate that the district does not consistently send initial and annual notification letters to parents to inform them of their child's placement in an ELE program and other required information that needs to be communicated to parents annually. The district's current annual parent notification practices are not consistent with Department guidelines consistent with 603 CMR 14.02 § 6.* |