

PROPOSED AMENDMENTS TO UNDERPERFORMING SCHOOLS AND SCHOOL
DISTRICT REGULATIONS
603 CMR 2.00

RENAMED

ACCOUNTABILITY AND ASSISTANCE FOR SCHOOLS AND SCHOOL DISTRICTS
REGULATIONS

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Accountability and Assistance for Schools and School Districts

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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 and 1J 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 or school district may be declared underperforming (placed in Level 4) or chronically underperforming (Level 5), resulting in intervention in accordance with M.G.L. c. 15, §55A and c. 69, §§ 1J and 1K. 603 CMR 2.00 also identifies circumstances under which a school's mathematics program may be considered to be low-performing and mathematics teachers in that program may be required to take a diagnostic mathematics content assessment.

(3) The purpose of 603 CMR 2.00 is to hold districts and schools accountable for educating their students well and to assist them in improving the education they provide.

2.02: Definitions

Accountability status shall mean the category to which a school or district is assigned, based on its Adequate Yearly Progress (AYP) determinations over multiple years in accordance with the federal Elementary and Secondary Education Act (ESEA), to define the required course of school, district and/or state action that must be taken to improve student performance.

Accountability status categories include Identified for Improvement, Corrective Action, and Restructuring. Schools that make AYP in a subject for all student groups for two or more consecutive years are assigned to the No Status category. Districts that make AYP for all student groups in one or more gradespans in a subject for two or more consecutive years are also assigned to the No Status category. A district or school may be placed in an accountability status on the basis of the performance and improvement profile of students in the aggregate or of one or more student subgroups over two or more years in English language arts and/or mathematics.

Adequate Yearly Progress or AYP shall mean adequate annual district, grade level, school, or student subgroup performance and improvement, as determined by the Department relative to performance and improvement targets in English language arts and mathematics established by the Board in accordance with the federal Elementary and Secondary Education Act (ESEA).

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

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

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

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

Corrective action shall mean the accountability status of a school or district that has failed to make AYP in English language arts, mathematics, or both subjects in the aggregate or for student subgroups for four consecutive years or for two or more non-consecutive years while in Identified for Improvement accountability status.

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

District or school district shall mean a municipal school department or regional school district, acting through its school committee or superintendent of schools or a county agricultural school, acting through its board of trustees or superintendent/director. For the purposes of 603 CMR 2.00, except 603 CMR 2.03, it shall not mean a charter school; charter schools are subject to accountability provisions set forth in M.G.L. c. 71, § 89, and 603 CMR 1.00.

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

District indicators shall mean the detailed performance indicators associated with the district standards.

District review shall mean a school district audit conducted by the Department under M.G.L. c. 15, § 55A, in accordance with a process and district standards established by the Board pursuant to M.G.L. c. 69, § 1B.

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

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

District standards shall mean the standards established by the Board pursuant to M.G.L. c. 69, s. 1B, for district reviews.

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

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

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

Framework for district accountability and assistance shall mean the Department's guidance as to actions to be taken by the district and by the Department for accountability and for assistance at each of five levels, for the purpose of improving student achievement. Both the priority for assistance and the degree of intervention increase from Level 1 to Level 5, as the severity and duration of identified problems increase. Under the framework, districts hold their schools accountable for educating their students well and assist them in taking the necessary steps toward that end; the Department holds districts accountable for both of these functions and assists them in taking the necessary steps to fulfill them.

Identified for Improvement shall mean the accountability status of a school or district that has failed to make AYP in English language arts or math or both subjects in the aggregate or for a student subgroup for two consecutive years.

Intervention plan shall mean the plan to improve student achievement in a Level 4 or Level 5 district, developed based on the findings and recommendations in the district review report and on the follow-up review report, if any.

Levels 1-5 shall mean the levels in the framework for district accountability and assistance in which schools and districts in the Commonwealth are placed. See definitions in 603 CMR 2.02 for placing a district in Level 4, placing a district in Level 5, placing a school in Level 4, and placing a school in Level 5.

Low-performing mathematics program: A mathematics program in a Massachusetts public school that has been identified as low-performing according to the criteria found in 603 CMR 2.08.

Mathematics Content Assessment: A diagnostic assessment of mathematics content knowledge designated by the Board and paid for by the Department.

Mathematics teacher: Any educator who teaches mathematics in a Massachusetts public school.

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

Placing a district in Level 4 shall mean determining that that district is underperforming in accordance with M.G.L. c. 69, § 1K. Level 4 is the fourth of the five levels in the Department's framework for district accountability and assistance.

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

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

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

Receiver shall mean a receiver appointed by the commissioner on behalf of the Board for a district placed in Level 5, in accordance with M.G.L. c. 69, § 1K, with powers defined by the commissioner up to and including all of the powers of the district's superintendent and school committee.

Restructuring shall mean the accountability status of a school that has failed to make AYP in English language arts, mathematics, or both subjects in the aggregate or for student subgroups for five or more consecutive years or for one or more additional years after being identified for corrective action.

School shall mean a single public school, consisting of one or more school buildings, which operates under the direct administration of a principal, director, or school leader appointed by the school district responsible for its governance. For the purposes of 603 CMR 2.00, except 603 CMR 2.03, it shall not mean a charter school; charter schools are subject to accountability provisions set forth in M.G.L. c. 71, § 89, and 603 CMR 1.00.

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

Subgroup shall mean one of the groups of students for which, in accordance with ESEA, the Department issues AYP determinations, namely students with disabilities, students with limited English proficiency, economically disadvantaged students, and students belonging to major racial and ethnic groups.

2.03: School and District Accountability System

(1) **General requirements for accountability system** The Department shall implement an accountability system approved by the Board to track the performance and improvement demonstrated by Massachusetts public schools and school districts on State assessments in designated core academic subjects and other measures of performance approved by the Board on recommendation of the commissioner. The school and district accountability system

implemented by the Department shall be designed to meet federal as well as state statutory requirements.

(2) **Measurement of performance in relation to performance targets** The school and district accountability system shall measure performance referenced to Board-approved state targets for student performance on MCAS tests and alternative assessments in English language arts and mathematics, high school graduation rate, and student attendance.

(3) **Improvement targets** In addition to state targets for MCAS performance which in a given year are the same for all schools, the Department shall establish subject-specific MCAS improvement targets on an annual basis for each school and district and for each student subgroup within a school or district.

(4) **Adequate yearly progress** The Department shall compile and analyze the performance and improvement data for each school and district, together with data on MCAS participation, student attendance, and high school graduation rates on an annual basis to determine, for each school and district, whether students in the aggregate and student subgroups have made adequate yearly progress (AYP) toward the achievement of state performance targets.

(5) **Communication by the Department** The Department shall communicate AYP and accountability status determinations to school and district officials and the public annually as soon as practicable after annual MCAS results become available, and shall inform school and district officials of any state actions that may occur as a consequence of those determinations.

2.04 Accountability and Assistance for Districts in All Levels of the Framework

(1) **District data reviews** The Department shall provide a Comprehensive Annual District Data Review for every school and district, including multiple data elements, giving schools the capability of comparing themselves with similar schools or other schools of their choice, and giving districts the capability of comparing themselves with similar districts or other districts of their choice.

(2) District standards and indicators

- (a) The Board shall establish standards and indicators for district performance, which shall be the basis for district reviews and for district improvement planning, and which the Department shall make available online.
- (b) The standards shall be in the areas of
 - (i) Leadership, governance, and communication;
 - (ii) Curriculum and instruction;
 - (iii) Assessment and program evaluation;
 - (iv) Human resource management and professional development;
 - (v) Student academic support, access, and participation; and
 - (vi) Financial and asset management effectiveness and efficiency.

(3) **Conditions for School Effectiveness** The following conditions for school effectiveness, including conditions for schools in all levels of the framework with additional measures to be

implemented by schools in Levels 4 or 5, shall be integrated into the district indicators established under 603 CMR 2.04(2)(a):

- (a) Effective school leadership: The district and school take action to attract, develop, and retain an effective school leadership team.
- (b) Principal's staffing authority: The principal has the authority to make staffing decisions based on the school's improvement plan and student needs. At Levels 4 and 5, principal authority includes the ability to select, hire, transfer and assign staff to positions in the school without regard to seniority, and to evaluate and choose to retain faculty based on content knowledge, performance in promoting student learning, overall performance, and commitment to the school's mission and strategies.
- (c) Effective district systems of support: The district has systems and processes for anticipating and addressing school staffing, instructional, and operational needs in timely, efficient, and effective ways.
- (d) Coordinated use of resources and adequate budget authority: District and school plans are coordinated to provide integrated use of internal and external resources. At Levels 4 and 5, the district provides the school with a weighted per-pupil budget for staffing and instructional resources, and gives the principal the authority and assistance needed to make decisions about its expenditure.
- (e) Family-school relationships: The school develops strong working relationships with families and appropriate community partners and providers in order to support students' academic progress and social and emotional well-being.
- (f) Students' social, emotional, and health needs: The school addresses the social, emotional, and health needs of its students by creating a safe school environment in which student needs are met in systemic and systematic ways.
- (g) Professional development and structures for collaboration: Professional development for school staff includes job-embedded and individually pursued learning and structures for regular, frequent collaboration to improve implementation of the curriculum and instructional practice. At Levels 4 and 5, additional components are in place: a) English language arts and mathematics coaching with a 1-coach-to-25-teacher ratio and b) time dedicated to leadership-directed, collaborative work, during which teachers are not responsible for supervising or teaching students, consisting of no less than one hour per week and, in addition, no fewer than five days (or their equivalent) per year.
- (h) Aligned curriculum: The school's taught curricula are aligned to state curriculum frameworks and the MCAS performance level descriptions, and are also aligned vertically between grades and horizontally across classrooms at the same grade level and across sections of the same course. At Levels 4 and 5, priority for alignment is given to mathematics and English language arts.
- (i) Effective instruction: Instruction reflects effective practice and high expectations for all students; the school has a common understanding of the features of high-quality standards-based instruction and a system for monitoring instructional practice.

- (j) Tiered instruction models, adequate learning time, and additional academic support: The school schedule is designed to provide adequate learning time for all students in core subjects; for students not yet achieving at grade level in English language arts and mathematics, the school provides at least 90 minutes per day of instruction and a tiered model of instruction and individualized support in those subject areas, and appropriate supplemental instruction. At Levels 4 and 5, the district ensures that the school provides all students needing support access to supplemental academic programming in two or more of the following ways: before, during, or after school, on Saturday, or during vacation time.
- (k) Assessment: The school uses a balanced system of formative and benchmark assessment. At Levels 4 and 5, the district ensures that assessments in English language arts and mathematics are prioritized.

Nothing in 603 CMR 2.04(3) shall preclude a district that has not been placed in Level 4 or 5 from implementing any of the conditions for school effectiveness described in 603 CMR 2.04(3)(a)-(k), including the additional measures to be implemented by schools in Levels 4 or 5.

(4) District improvement planning Every district shall develop and implement an annual self-evaluation and district improvement planning process using the district standards and indicators established under 603 CMR 2.04(2)(a).

- (a) The district's self-evaluation and planning process shall result, every three years, in a comprehensive written three-year District Improvement Plan to improve the performance of the district and its schools.
- (b) Each year, every school shall adopt school performance goals and develop and implement a written School Improvement Plan to advance those goals and improve student performance. The School Improvement Plan shall be aligned with the District Improvement Plan.
- (c) A district's District Improvement Plan and School Improvement Plans shall be based on an analysis of data, including but not limited to data on student performance and the Comprehensive Annual District Data Review provided by the Department under 603 CMR 2.04(1), and an assessment of actions the district and its schools must take to improve that performance toward meeting State targets.
- (d) District Improvement Plans and School Improvement Plans shall, in form and content, conform to requirements set forth in M.G.L. c. 69, § 1I and any guidelines published by the Department.

(5) Assistance from the Department

- (a) The Department shall make available online a variety of such forms of assistance as examples, tools, templates, protocols, and surveys to assist districts and schools in assessing themselves and improving student performance.
- (b) The Department shall also make available to districts, to the extent funding allows, professional development opportunities and assistance from Department staff members, Department contractors, or third party partners. Priority for receiving professional development or assistance, as well as the degree of intervention by the Department, shall increase from Level 1 to Level 5.

2.05 Accountability and Assistance for Districts in Levels 1-3

(1) Placement of schools and districts in Levels 1–3

- (a) Schools and districts shall be placed in Levels 1–3 of the framework for district accountability and assistance according to their accountability status under ESEA. The framework shall define what accountability status leads to placement in what level.
- (b) Schools shall move from one level to another within Levels 1-3 by virtue of change in their accountability status.
- (c) Districts shall move from one level to another within Levels 1-3 by virtue of change in their accountability status and the accountability status of their schools.

(2) **District reviews in Levels 1-3** The Department may conduct a district review of any district in Levels 1-3.

(3) **Self-assessment by districts in Level 3** A district in Level 3 shall use a process approved by the Department to complete a self-assessment and shall use the self-assessment as the basis for revising its District Improvement Plan and School Improvement Plans. In revising its District Improvement Plan and School Improvement Plans, the district shall provide for the further implementation in schools identified by the Department of the conditions for school effectiveness in 603 CMR 2.04(3).

2.06 Accountability and Assistance for Districts in Level 4

(1) **Placement of districts in Level 4** A district may be placed in Level 4 of the framework for district accountability and assistance in either of the following ways:

- (a) The Board may place a district in Level 4 upon recommendation of the commissioner based on findings from a district review showing serious or widespread deficiencies, relating to one or more district standards, that are likely to have a substantial negative effect on the educational achievement of students attending school in the district.
- (b) The commissioner may on behalf of the Board place a district in Level 4 when any of the district's schools is placed in Level 4.

(2) **Placement of schools in Level 4** The commissioner may place a school in Level 4 of the framework for district accountability and assistance on the basis of quantitative data including but not limited to data on:

- (a) school MCAS performance,
- (b) improvement in school MCAS performance, and
- (c) annual growth in MCAS performance for students at the school as compared with peers across the Commonwealth.

(3) **Notification** The Department shall notify any district placed in Level 4 of its placement in Level 4 and the reasons for the placement, including the placement of any of its schools in Level 4. It shall also notify the district as to whether and when a district review is to be performed and as to requirements for an intervention plan. See 603 CMR 2.06 (4), (5), and (6).

(4) **District review** The Department shall conduct a district review of any district placed in Level 4 unless the Department determines that it is unnecessary to do so because a district review conducted within the last year is adequate.

(5) **Intervention plan**

- (a) With Department assistance and guidance, the district shall develop an intervention plan based on the findings and recommendations in the report of the district review conducted under 603 CMR 2.06(4) or, if no review is required under that subsection, the most recent district review report.
- (b) If the district has any Level 4 schools, the intervention plan shall provide for the further implementation in each of them of the conditions for school effectiveness in 603 CMR 2.04(3), unless a compelling rationale is provided, for the commissioner's approval under 603 CMR 2.06(6), for alternative approaches designed to achieve comparable or superior results.
- (c) The intervention plan shall
 - (i) include, for the district: goals, benchmarks by which to measure progress toward the goals, and a timetable for achieving them;
 - (ii) include, for each of the district's Level 4 schools, if any: goals, benchmarks by which to measure progress toward the goals, and a timetable for achieving them;
 - (iii) describe the progress necessary to allow the district to be removed from Level 4;
 - (iv) describe the progress necessary to allow each of the district's Level 4 schools, if any, to be removed from Level 4; and
 - (v) 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, subject to the availability of these resources, and the district.

(6) **Approval or disapproval of intervention plan**

- (a) The district shall submit its intervention plan to the commissioner, who shall approve or disapprove it or require that it be modified and resubmitted.
- (b) If the commissioner disapproves the district's plan, the district shall be referred to the Board, which may place the district in Level 5.
- (c) If the commissioner approves the district's plan the Department shall appoint
 - (i) an assistance liaison to support the district in carrying out the intervention plan; and
 - (ii) an accountability monitor to determine and report on whether the district and each of its Level 4 schools, if any, meet the intervention plan's benchmarks and timetable.

(7) **Annual report to Board** The commissioner shall report annually to the Board on the progress made by districts in Level 4.

(8) **Removal of school from Level 4** The commissioner shall remove a school from Level 4 when the commissioner determines, based on evidence including but not limited to a report from the accountability monitor or a follow-up review, that

- (a) the school has achieved the progress described in the intervention plan as necessary to allow it to be removed from Level 4; and
- (b) the district has the capacity to continue making progress in improving the school without the accountability and assistance provided by the school being in Level 4.

(9) Removal of district from Level 4

The commissioner shall remove a district and its Level 4 schools, if any, from Level 4 when the commissioner determines, based on evidence including but not limited to a report from the accountability monitor or a follow-up review, that

- (a) the district and any Level 4 schools have achieved the progress described in the intervention plan as necessary to allow the district and its schools to be removed from Level 4; and
- (b) the district and its schools have the capacity to continue making progress without the accountability and assistance provided by Level 4.

2.07 Accountability and Assistance for Districts in Level 5

(1) Placement of districts in Level 5

- (a) The Board may place a district in Level 5 of the framework for district accountability and assistance, if the commissioner so recommends, as the result of
 - (i) a district review report from a Level 4 district;
 - (ii) a report from the accountability monitor for a Level 4 district;
 - (iii) a follow-up review report from a Level 4 district;
 - (iv) a Level 4 district's failure to submit an intervention plan as required under 603 CMR 2.06(5) and (6);
 - (v) the disapproval by the commissioner of a Level 4 district's intervention plan (see 603 CMR 2.06(6)(b)); or
 - (vi) the failure of a Level 4 district or any of its Level 4 schools to meet the benchmarks or adhere to the timetable in the intervention plan.
- (b) If it has not had a district review or follow-up review since being placed in Level 4, the Department shall conduct a follow-up review before the commissioner recommends that any Level 4 district be placed in Level 5.
- (c) School district and municipal officials and members of the public shall have an opportunity to be heard by the Board before final action by the Board to place the district in Level 5.

(2) Placement of schools in Level 5 When the Board places a district in Level 5 it may also, on recommendation of the commissioner, place in Level 5 any Level 4 school in the district that has

- (a) failed two years after the approval of the intervention plan to meet the benchmarks for that school that the intervention plan's timetable requires to have been met within two years, or

- (b) failed one year after the approval of the intervention plan to meet the benchmarks for that school that the intervention plan's timetable requires to have been met within one year, with the result that it appears unlikely that the school will meet the benchmarks that the intervention plan's timetable requires to have been met within two years,

thus making the school subject to the steps described in the third paragraph of M.G.L. c. 69, § 1J.

(3) Appointment and powers of receiver

- (a) Following the placement of a district in Level 5 under 603 CMR 2.07(1), the commissioner, on behalf of the Board, shall appoint a receiver for the district. The receiver shall report directly to the commissioner.
- (b) The commissioner shall define the scope of the receiver's powers, up to and including all of the powers of the superintendent and school committee. The commissioner may from time to time modify the scope of the receiver's powers based on conditions in the district or its schools.

(4) Replacement of receiver The commissioner may replace the receiver for any school district at any time.

(5) Creation of intervention plan by receiver

- (a) If the district does not have an intervention plan approved under 603 CMR 2.06(6), the receiver shall create an intervention plan based on the findings and recommendations in the most recent district review report and on any follow-up report.
- (b) If the district has any Level 4 or Level 5 schools, the intervention plan shall provide for the further implementation in each of them of the conditions for school effectiveness in 603 CMR 2.04(3), unless a compelling rationale is provided, for the commissioner's approval under 603 CMR 2.07(6), for alternative approaches designed to achieve comparable or superior results.
- (c) The intervention plan shall
 - (i) include, for the district: goals, benchmarks by which to measure progress toward the goals, and a timetable for achieving them;
 - (ii) include, for each of the district's Level 4 and Level 5 schools, if any: goals, benchmarks by which to measure progress toward the goals, and a timetable for achieving them; and
 - (iii) describe the assistance to be provided by the Department in support of the action steps in the plan, as agreed on by the Department, subject to the availability of these resources, and the receiver.

(6) Approval or disapproval of intervention plan The receiver shall submit the intervention plan to the commissioner for approval or disapproval.

(7) Progress reports The receiver shall submit to the commissioner, in accordance with the commissioner's requirements, regular reports on the progress the district has made toward the goals in the district's intervention plan. The commissioner shall report regularly to the Board on the progress made by each district in Level 5.

(8) **Removal of school from Level 5** The commissioner shall remove a school from Level 5 and terminate any extraordinary measures imposed under M.G.L. c. 69, § 1J, when the commissioner determines, based on evidence including but not limited to a report from the receiver or a follow-up review, that

- (a) the school has met a sufficient number of the benchmarks described in the intervention plan to allow it to be removed from Level 5; and
- (b) the district has the capacity to continue making progress in improving the school without the accountability and assistance provided by the school being in Level 5.

(9) **Termination of receivership and removal of district from Level 5** The commissioner shall terminate the receivership and remove the district and its Level 5 schools, if any, from Level 5 when the commissioner determines, based on evidence including but not limited to a report from the receiver or a follow-up review, that

- (a) the district and its schools have met a sufficient number of the benchmarks described in the intervention plan to allow the district and its Level 5 schools, if any, to be removed from Level 5; and
- (b) the district and its schools have the capacity to continue making progress without the receiver.

(10) **Petition by district When a Level 5** district petitions the commissioner, pursuant to M.G.L. c. 69, § 1K, for termination of the receivership, 603 CMR 2.07(9) shall govern the response to the petition.

2.08 Low-Performing Mathematics Programs

(1) Any school in which 30 percent or more of the students fail the MCAS mathematics test, excluding those students who are enrolled in special education, who are classified as having limited English proficiency, or who have not been enrolled in the school for at least two school years, and which failed to make AYP in mathematics for students in the aggregate or any student subgroup during the most recent accountability cycle, shall be considered to have a low-performing mathematics program.

(2) Mathematics teachers at schools with low-performing mathematics programs shall take the next administration of the Mathematics Content Assessment offered after the mathematics program is classified as low-performing. In addition, any mathematics teacher in a school that has been placed in Level 4 or Level 5, and any mathematics teacher who is not certified in mathematics and is teaching in a school with 30% or greater failure rate on the MCAS mathematics test, excluding those students who are enrolled in special education, who are classified as having limited English proficiency, or who have not been enrolled in the school for at least two school years, shall be considered a mathematics teacher in a low-performing mathematics program and shall take the Mathematics Content Assessment when it is next offered. A mathematics teacher shall be required to take the Mathematics Content Assessment only once.

(3) Individual results on the Mathematics Content Assessment shall be forwarded to the applicable mathematics teachers and their school principals for use in developing or revising professional development plans, as provided in the Recertification Regulations,

603 CMR 44.04 (4). These individual results are to be used for diagnostic purposes only, and individual mathematics teachers' results shall not be considered public records. The Department shall analyze and publish aggregate, statewide, district-level and school-level results, except to the extent such publication would have the effect of revealing the performance of any individual teacher.

(4) In addition to the procedures contained in 603 CMR 2.06(2), the commissioner shall determine whether any school with a low-performing mathematics program should be placed in Level 4. In making this determination, the commissioner shall consider the participation rates and performance of the school's mathematics teachers on the Mathematics Content Assessment, among other factors.

(5) The commissioner may waive the Mathematics Content Assessment requirement for individual mathematics teachers based on a finding that such teachers have demonstrated mastery of mathematics or that special circumstances exist that make said assessment requirement inappropriate or immaterial.

Regulatory Authority:

M.G.L. c. 69, §§ 1B and 1J, c. 71, § 38G.