



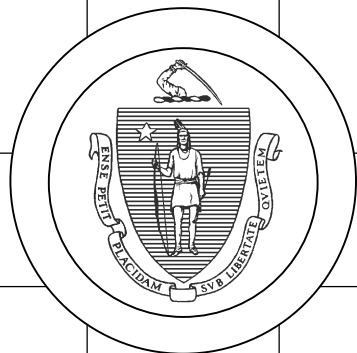
**BOSTON PUBLIC SCHOOLS
BOSTON EVENING ACADEMY
BOSTON HEALTH CAREERS ACADEMY**

**COORDINATED PROGRAM REVIEW
REPORT OF FINDINGS**

**Dates of Onsite Visit: March 11-27, 2002
Date of Draft Report: July 29, 2002
Due Date for Comments: August 15, 2002
Date of Final Report: October 28, 2002
Action Plan Due: December 20, 2002**

Department of Education Onsite Team Members:

**Dean Paolillo
Priscilla McPhee
Jennifer Weissman
Leslie Ostrow
Katherine Honey
Nina Callahan
Becca Walawender
John Desses
Deborah Smith-Pressley
Kay Green-Byrd
Anne Sheehan
Janis McManus
Claire Brady
Carolina Buitrago
Betsy Holcombe
Donna Tilley
Tom Chin**



David P. Driscoll, Commissioner of Education

MASSACHUSETTS DEPARTMENT OF EDUCATION
COORDINATED PROGRAM REVIEW

Boston Public Schools,
Boston Health Careers Academy and Boston Evening Academy

Table of Contents

OVERVIEW OF REVIEW PROCEDURES.....	2
REPORT INTRODUCTION	4
EXECUTIVE SUMMARY	6
DEFINITION OF TERMS	10
COMPONENT I: ASSESSMENT OF STUDENT PROGRESS.....	11
SPECIAL EDUCATION.....	12
TITLE 1	24
COMPONENT II: STUDENT IDENTIFICATION AND PLACEMENT	26
SPECIAL EDUCATION.....	27
TITLE 1	37
COMPONENT III: PARENTAL INVOLVEMENT	39
SPECIAL EDUCATION.....	40
CIVIL RIGHTS METHODS OF ADMINISTRATION.....	46
TITLE 1	47
COMPONENT IV: CURRICULUM AND INSTRUCTION.....	49
SPECIAL EDUCATION.....	50
CIVIL RIGHTS METHODS OF ADMINISTRATION.....	58
TITLE 1	59
COMPONENT V: STUDENT SUPPORT SERVICES	64
SPECIAL EDUCATION.....	65
CIVIL RIGHTS METHODS OF ADMINISTRATION.....	71
TITLE 1	75
COMPONENT VI: FACULTY, STAFF AND ADMINISTRATION.....	78
SPECIAL EDUCATION.....	79
CIVIL RIGHTS METHODS OF ADMINISTRATION.....	83
TITLE 1	84
COMPONENT VII: SCHOOL FACILITIES	87
SPECIAL EDUCATION.....	88
CIVIL RIGHTS METHODS OF ADMINISTRATION.....	88
COMPONENT VIII: PROGRAM PLAN AND EVALUATION	90
SPECIAL EDUCATION.....	91
CIVIL RIGHTS METHODS OF ADMINISTRATION.....	91
TITLE 1	92
COMPONENT IX: RECORD KEEPING	95
SPECIAL EDUCATION.....	96
TITLE 1	97
APPENDIX: SCHOOL DISTRICT PROFILE INFORMATION	99
SCHOOL AND DISTRICT PROFILES.....	100

MASSACHUSETTS DEPARTMENT OF EDUCATION

COORDINATED PROGRAM REVIEW REPORT

Boston Public Schools

OVERVIEW OF REVIEW PROCEDURES

As one part of its school and school district accountability system, the Department of Education oversees local compliance with education requirements through the Coordinated Program Review system. All reviews include selected requirements in special education under the federal Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 *et seq.* (IDEA-97) and M.G.L. Chapter 71B (Chapter 766 of the Acts of 1972) and certain federal civil rights requirements under Titles I and II of the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, together with related state requirements under M.G.L. Chapter 76, Section 5 (Chapter 622 of the Acts of 1971). Additionally, all reviews include certain standards included under the newly adopted Board of Education Physical Restraint Regulations (603 CMR 46.00). Other monitoring activities in the areas of the state's Transitional Bilingual Education law (M.G.L. Chapter 71A), federal requirements under Title I, the Safe and Drug-Free Schools and Communities Act, the Perkins Vocational and Technical Education Act, and Nutrition Programs and Services will be conducted in some districts during these Coordinated Program Reviews. The school districts and charter schools selected for review in 2001-2002 were notified by the Commissioner of Education in April 2001 of the scheduled visits and were encouraged to assess themselves before the arrival of the Department's visiting team.

Coordinated Program Review Elements

- Team: Depending upon the size of a school district and the number of program areas to be reviewed, a team of two to eight members conducts a Coordinated Program Review over two to seven days in a school district or charter school. The team may include Department consultants as well as Department staff members.
- Scope: Approximately sixty school districts and charter schools are scheduled to receive visits in school year 2001-2002. All school districts and charter schools in the Commonwealth are monitored through the Department's Coordinated Program Review system on a six-year cycle with an additional mid-cycle special education follow-up visit.
- Content: The Program Review criteria include certain of the statutory and regulatory requirements for each program area. In the case of special education, the criteria for the FY 2002 reviews contain, at a minimum, those elements required by the federal Office for Special Education Programs (OSEP) and revised requirements under IDEA-97 as described in the Department's Special Education Advisories. Additionally, the 2001-2002 reviews incorporate updated state special education requirements as adopted by the Board of Education, effective December 20, 2000. The Program Review compliance criteria selected in all of the regulated program areas are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993, being intended to promote high standards and achievement for all students.
- Report: The Department's report is based on a review of documentation regarding the operation of the district's programs, together with information gathered through the following Department program review methods:

- Interviews of administrative, instructional and support staff across all grade levels.
- Interviews of parent advisory council (PAC) representatives.
- Other interviews as requested by members of the general public.
- Review of student records in the special education, Transitional Bilingual Education, and Perkins vocational programs. Parents of students with disabilities whose files were selected for the record review are sent a survey that solicits information about their experiences with the district's implementation of special education programs, related services and procedural requirements.
- Observation of classrooms and other facilities. A sample of instructional classrooms and other school facilities used in the delivery of programs and services are visited to determine general levels of compliance with program and accessibility requirements.
- Interviews, review of student records, and observations in the case of collaborative programs and services. Where the district is a member of a collaborative approved by the Department of Education and serves as a site for any programs or services operated by the collaborative, interviews with collaborative staff, review of records of collaborative students, and observations of collaborative facilities are conducted.

Response: An executive summary and detailed findings for each program area describe determinations about the implementation status of each requirement (criterion) reviewed. The findings note those criteria the implementation of which the team found to be commendable. Where criteria were found not to be fully implemented, the local district or charter school must propose corrective actions to bring those areas into compliance with the controlling statutes or regulations. Districts are encouraged to incorporate the corrective action into their district and school improvement plans, including their professional development plan.

The Department of Education believes that the Coordinated Program Review process is a positive experience and that the Final Report should be seen as a helpful planning document for the continuing development of programs and services in the school district or charter school.

REPORT INTRODUCTION

A 17-member Massachusetts Department of Education team visited Boston Public Schools and the Boston Evening Academy and Boston Health Careers Academy Horace Mann Charter Schools during the weeks of March 11, 2002 and March 18, 2002 to evaluate the implementation of selected criteria in the program areas of Special Education, Title I and (for the two Horace Mann Charter Schools only) Methods of Administration/Civil Rights. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district. The onsite team would like to commend the following areas that were brought to its attention and that it believes have a significant and positive impact on the delivery of educational services for students enrolled in the Boston Public Schools and the Horace Mann Charter schools: Boston Evening Academy and Boston Health Careers Academy. These areas are as follows:

- *Boston Public Schools has a rigorous, comprehensive, thorough evaluation and accountability system designed to promote continuous improvement in instructional quality within schools and programs, and, by extension, student learning. Boston Public Schools coordinates its citywide learning standards, plan for whole-school improvement and In Depth Review System (IDR) to achieve its targeted outcomes. The accountability process is a dynamic tool, refined and focused over the course of years, adjusted to identify individual school weaknesses and promote productive changes to achieve the district's essential goals for all students.*
- *Boston Evening Academy's efforts to retain students—to prevent them from withdrawing from school before completing a course of study--are exemplary. Its Retention Program includes individual counseling, home visits and student attendance agreements. Boston Evening Academy is dedicated to providing at-risk students with genuine opportunities to excel and reach their goals for higher education.*
- *Boston's commitment to helping students with emotional and behavioral issues is commendable. Boston has several program models, from the full inclusion setting observed in the Lyons School to the substantially separate programs of the McKinley Schools. The district has an array of services and supports that address the comprehensive needs of the students and their families, including family counseling services for parents and the provision of transportation to parents to allow them to avail themselves of those services. All students within the behavioral programs have access to a curriculum the district has fully aligned with the Massachusetts Curriculum Frameworks. Students and staff have mutual respect and attempt to resolve disciplinary issues in a cooperative, positive manner. The district continues to address issues of behavior by increasing the number of behavioral specialists who provide assistance to special education and regular education providers and by using the cooperative discipline methodology designed to minimize the exclusion of students from the classroom experience.*

Some of the commendations noted above are repeated within the body of the Department's report under the appropriate compliance criteria.

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

- Interviews of 80 administrative staff.
- Interviews of 247 teaching and support services staff across all levels.
- Interviews of 10 parent advisory council (PAC) representatives for special education and Title I.
- 27 Interviews as requested by parents and persons from the general public.

- Student record reviews: A sample of 115 student records was selected by the Department (some records were selected onsite by the review team). The onsite team used standard Department of Education student record review procedures to make determinations regarding the implementation of procedural and programmatic requirements.
- Parent surveys: 110 parents of students with disabilities were sent surveys that solicited information regarding their experiences with the district's implementation of special education programs, related services and procedural requirements. 16 of these parent surveys were returned to the Department of Education for review by the onsite team.
- Observation of classrooms and other facilities. A sample of 37 instructional classrooms and other school facilities used in the delivery of programs and services was visited to determine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are listed in the executive summary on the following pages. The findings in each program area explain the "ratings," determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially "Implemented" or implemented in a "Commendable" manner. (Refer to the "Definition of Terms" section of the report.) Where criteria were found to be either "Partially Implemented" or "Not Implemented," the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. In some instances the team may have rated a requirement as "Implemented" but made a specific comment on the district's implementation methods that also may require response from the district or charter school.

Districts are expected to incorporate the corrective action into their district and school improvement plans, including their professional development plan.

COORDINATED PROGRAM REVIEW REPORT

EXECUTIVE SUMMARY

Boston Public Schools

The following summary synthesizes the findings for criteria included in the Coordinated Program Review as they respond to essential questions which the Department has formulated for each of the components of the report. Note that a more detailed discussion of the onsite team's findings, together with the specific legal standards for each program area included in this review, follows this summary.

Component I: Assessment of Student Progress

Has the district implemented an assessment system that uses appropriate instruments, is conducted according to the specified timelines, and covers the appropriate content areas to determine instructional needs of students?

At the time of the onsite review Boston Public Schools indicated that it was instituting changes in its special education assessment practices. The onsite review team noted in its review of student records that evaluations are not always completed within mandated timelines and do not always include the elements required by state and federal regulations. The most notable instance was the failure of evaluation Teams to meet the requirements for determining a Specific Learning Disability. Interviews with staff indicated that they have only a limited understanding of their regulatory responsibilities when making a determination that a student has a Specific Learning Disability. The review team noted concerns regarding the disclosure of the types of assessments to parents on mandated forms. Notices do not always describe the specific types of assessments the district intends to conduct. Boston does make effective use of district and state assessments of student performance within the general curriculum. Boston uses districtwide instruments (such as the Stanford 9) and the Massachusetts Comprehensive Assessment System (MCAS) in determining existing and future instructional needs of students, including students with disabilities and students receiving Title I services.

Component II: Student Identification and Program Placement

Has the district followed procedures for student identification and placement into the program according to the criteria specified in regulations?

While Boston presented abundant documentation demonstrating staff training in the new Individualized Education Program (IEP) process and IEP development, consistency of implementation has not been achieved in the areas of IEP development, identification of students eligible for services and the placement of students. Justifications in IEPs for the removal of students from general education settings lack sufficient information and clarity to demonstrate the need for more restrictive placements. In some instances, IEPs are incomplete; omitting essential information such as the specially designed instruction that students require. IEP development and content was a general concern noted by the onsite review team.

Interviews conducted by the onsite review team indicated students with limited English proficiency were provided with the necessary program modifications. The two Horace Mann Charter Schools provided additional documentation at the Department's request regarding the identification of limited English proficient students for services within the charter schools to

demonstrate compliance with civil rights requirements.

The Boston Public schools implements Schoolwide Programs for Title I services. Schools provide additional support in reading and math and transition services to students at risk of failure. The Title I members of the onsite review team noted that Neglected or Delinquent facilities were unable to demonstrate the specific criteria used to determine student eligibility for Title I services.

Component III: Parental Involvement

Has the district ensured that parents are notified in the appropriate language and are involved in decisions regarding their children's programs and services? Where appropriate, does the district involve community representatives in shaping programs?

Boston Public Schools has translated versions of notices and IEP forms and has interpreters available to participate in the Team process. Student records indicated, however, that staff do not always use translated notices when necessary. The sample of parents who participated in the coordinated review expressed a range of views from severely negative to positive concerning the amount of input they are allowed in the Team process and their ability to participate in shaping district programs.

Parents of students receiving Title I services indicated to the onsite review team that Boston Public Schools presents a comfortable environment and welcomes visits by parents to their children's classrooms. Title I parents also indicated that the Boston Public Schools provides opportunities to parents to discuss their children's progress and the services they receive and that staff communicate to parents any concerns that arise. Bilingual parents receive notifications and other communications in their native language. Schools providing Title I services have established partnerships with businesses address the needs of the schools and are actively participating on the I.L.T. teams. In non-public schools also, opportunities for parent/teacher conferences are provided. School administrators, however, do not meet the requirement for involving parents in making decisions about the delivery of Title I services or the requirement for providing materials and training to parents to enable them to improve their children's achievement.

Component IV: Curriculum and Instruction

Does the district hold all students to high expectations and standards? Are programs designed to maximize student performance and students' participation in the general curriculum? Is curriculum throughout the districts' programs aligned with the Massachusetts Curriculum Frameworks? Has the district provided for coordination across program areas?

Boston Public Schools holds all students to high standards and performance expectations despite the challenges of an urban setting. District initiatives focus on improving instruction and improving student outcomes. Boston's Whole School Improvement Plan, school self-assessments, In-Depth Review process and analysis of achievement data are essential components of the district's efforts to improve student performance. Recognizing the close link between the Massachusetts Curriculum Frameworks and the Massachusetts Comprehensive Assessment System (MCAS), Boston has aligned its citywide curriculum with the state frameworks. It has adopted a unified approach for the delivery of student services and

has a high level of coordination across programs, including special education, Title I, and regular education instructional support.

Component V: Student Support Services

Has the district ensured that all students have equal access to programs and services? Does the district provide support to students who need it?

Through its unified service approach Boston Public Schools has increased the number of behavioral specialists, counseling services and interventions. Students who in the past would have been excluded from the classroom for disciplinary reasons are now able to continue to have access to school programs and services. All students have access to extracurricular activities. The review team noted that while counseling services are available to students within the district, the determination of what students on IEPs receive counseling services sometimes occurs outside the Team decision-making process.

All students in Title I schoolwide programs have equal access to programs and services that are provided at the school or district level. In non-public schools, the programs are limited to computer lab programs. There are some concerns regarding the availability of Title I services to students in private, non-parochial institutions and the equivalency of the Title I services provided to students in neglected or delinquent institutions. The district needs to broaden its assistance to families of students receiving Title I services.

Component VI: Faculty, Staff and Administration

Does the district maintain certified staff in the specific program areas, provide supervision of aides and tutors, and provide ongoing professional development? Are program leadership and oversight effective? Are the district's personnel procedures non-discriminatory and does it seek to recruit employees from all groups?

Boston Public Schools has conducted extensive professional development for all staff; including support staff. Specific training activities have been conducted with principals, teachers (both special education and regular education), Education Team Facilitators, assistant program directors and paraprofessionals to ensure that personnel are knowledgeable about the requirements of state and federal regulations, the IEP process, testing accommodations, internal district monitoring of data and records, instructional leadership and instructional practices. The training, however, has not fully addressed concerns noted in the body of this report. The district has clearly trained staff on state and federal requirements for special education; however, the regulations are not consistently implemented.

Not all teachers funded by the Title I program were certified in their appropriate area of instruction. Interviews indicated that staff receive effective support and guidance from the Title I manager.

Component VII: School Facilities

Does the district maintain accessible facilities that are conducive to learning, facilitate integration, and provide equal opportunity for students to achieve?

The onsite review team examined a sample of the locations used to deliver special education services to students within the system. A few of the spaces visited by members of the onsite team were problematic and are noted in the body of this report. Classrooms that have staff funded by Title I are conducive to learning and provide equal opportunity for students to achieve.

Component VIII: Program Plan and Evaluation

Does the District have written program plans where required that are evaluated according to specific regulatory requirements? Does it use the results of its evaluations to improve programs? Do parents have opportunities for input on needs, program implementation, evaluation, and improvement?

Boston Public Schools has a comprehensive evaluation and accountability system designed to promote continuous improvement in instructional quality within schools and programs. The district's In-Depth Review (IDR) is designed to measure the successful implementation of the Whole School Improvement Plan for each school within the district. Appropriate adjustments are made according to the results of the evaluation. The district also makes extensive use of its Teaching and Learning reports from each school to identify and address the programmatic needs of students.

But Boston Public Schools has not devised a method of collecting data on special education students' progress towards meeting their annual goals and using that data in determining the effectiveness of program practices and any needs for improvement. Furthermore, there is little involvement by the district's special education parent advisory council in implementing, evaluating and improving special education.

Not all Title I parents are provided with opportunities to be actively involved in the planning, implementation and evaluation of Title I programs and services, as is required by regulations: the only parents involved are those on the school councils. In non-public schools, this requirement is not addressed.

Component IX: Record keeping

Does the District maintain required records and documentation for each specific program area? Are federal entitlement grants appropriately designed, amended, and monitored?

The district uses the Special Education Information Management System (SEIMS) program to maintain information regarding timelines and the development of student IEPs. This computerized system can be used to track and maintain timelines, develop IEPs and maintain an accurate count of students receiving special education services, helping the district comply with state and federal regulations. There were, however, some unsigned IEPs in the student records.

The computer system does have several disadvantages. Sections of the IEP are not recorded when the Team or individual developing the IEP reasons that the section is not applicable or does not require comment. Failure to record these sections, however, places the district in noncompliance with state and federal requirements. In addition, annual goals and objectives are not individualized and only reflect the available options included in the database portion of the district's IEP computer program. Reliance on such predetermined components jeopardizes the intent of an Individualized Education Program. While Boston Public Schools indicated that staff could enter individualized information, staff interviews, public comment and the documentation within the student records indicated SEIMS inability to provide staff and parents flexibility in IEP development.

The school district and schools maintain required records and documentation for the Title I program; though not all schools were found to comply with comparability requirements.

DEFINITION OF TERMS
FOR THE RATING OF EACH COMPLIANCE CRITERION

Commendable	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
Implemented	The requirement is substantially met.
Implementation in Progress	In reference to compliance criterion MOA 17A, new Board of Education requirements became effective on April 2, 2001 regarding the use of physical restraint in publicly funded education programs. The district is currently engaged in staff training and is beginning implementation practices for these new requirements which the Department's onsite team anticipates will result in substantial compliance by the end of the 2001-2002 school year.
Partially Implemented	The requirement, in one or several important aspects, is not entirely met.
Not Implemented	The requirement is totally or substantially not met.
Not Applicable	The requirement does not apply to the school district or charter school.

COMPONENT I: ASSESSMENT OF STUDENT PROGRESS

The criteria in this component examine whether the District has implemented an assessment system that uses appropriate instruments, conducted according to the specified timelines and covering the appropriate content areas to determine instructional needs of students for the program areas listed below:

- Special Education (Report Issues # SE 1- SE 14)
- Title I (Report Issues # TI 1-4)

CRITERION NUMBER	SPECIAL EDUCATION I. ASSESSMENT OF STUDENT PROGRESS
	Legal Standard
SE 1	<p>Assessments are appropriately selected and interpreted for students referred for evaluation</p> <ol style="list-style-type: none"> 1. Tests and other evaluation materials are: <ol style="list-style-type: none"> a. validated b. administered and interpreted by trained individuals c. tailored to assess specific areas of educational need d. selected and administered to reflect aptitude and achievement levels e. as free as possible from cultural and linguistic bias f. provided in the student's native language or other mode of communication where feasible g. not the sole criterion for determining an appropriate educational program h. not only those designed to provide a single general intelligence quotient i. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure j. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors 2. In interpreting evaluation data and making decisions, the district: <ol style="list-style-type: none"> a. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent b. ensures that information obtained from these sources is considered c. ensures that the placement decision conforms with placement in the least restrictive environment d. includes information related to enabling the student to be involved in and progress in the general curriculum <p>State Regulations 28.04</p> <p style="text-align: right;">Federal Requirements 300.532, 300.535</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 2	<p>Required and optional assessments</p> <ol style="list-style-type: none"> 1. <u>Required assessments</u>: The following assessments are completed by appropriately credentialed and trained specialists for each referred student: <ol style="list-style-type: none"> a. Assessment(s) in all areas related to the suspected disability (ies) including consideration of any needed assistive technology devices and services and/or instruction in braille. b. Educational assessment by a representative of the school district, including a history of the student’s educational progress in the general curriculum. c. Assessment by a teacher(s) with current knowledge regarding the student’s specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district curriculum, as well as an assessment of the student’s attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults. d. For a child being assessed to determine eligibility for services at age three (3), an observation of the child’s interactions in the child’s natural environment or early intervention program is strongly encouraged together with the use of current assessments from early intervention Teams to avoid duplicate testing. 2. <u>Optional assessments</u>: The Administrator of Special Education may recommend or the parent may request one or more of the following: <ol style="list-style-type: none"> a. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student’s school health records. b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination. c. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent 3. At the re-evaluation of a student, if <u>the Team decides</u> that no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student’s parents the following: <ol style="list-style-type: none"> a. that no further assessments are needed and the reasons for this; and b. the right of such parents to request an assessment. <p style="text-align: center;">State Regulations Federal Requirements</p>

CRITERION NUMBER	
	Legal Standard
	28.04 (1) and (2) 300.532; 300.346.(a)(2)(v)
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Student records indicated that the district is not assessing students in all areas of suspected disability. The consent to evaluation forms (NI) refer to a “special education assessment,” rather than specific assessments tied to areas of suspected disability. The use of outdated Education Status Assessment forms, which do not contain all required elements and which refer to the now obsolete Chapter 766 regulations, was evident in the student records. In some instances, non-credentialed or inappropriately trained persons were used to evaluate students.

CRITERION NUMBER	
	Legal Standard
SE 3	<p>Special requirements for determination of specific learning disabilities When the district proposes to evaluate a child suspected of having a specific learning disability, the following requirements are implemented: <u>Team membership:</u> The district ensures the Team includes at a minimum the parent, the child’s regular classroom teacher appropriate to the age of the child and at least one person qualified to conduct individual diagnostic examinations of children. <u>Criteria for determining the existence of a specific learning disability:</u></p> <ol style="list-style-type: none"> 1. the achievement is determined not to be commensurate with the age and ability of the child; 2. a severe discrepancy exists in one or more areas between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill and reading comprehension, mathematics calculation and reasoning; 3. the severe discrepancy between ability and achievement is not resulting from visual, hearing or motor impairment, mental retardation, emotional disturbance or environmental, cultural or economic disadvantage. <p><u>Required observation of the child:</u></p> <ol style="list-style-type: none"> 1. at least one Team member <u>other than</u> the child’s regular teacher observes the child’s academic performance in the regular classroom setting; 2. if the child is less than school age, the observation is conducted in an environment appropriate for a child of that age. <p><u>Written documentation of the Team’s determination of eligibility due to the presence of a specific learning disability includes the following:</u></p> <ol style="list-style-type: none"> 1. statement whether the child has a specific learning disability; 2. the basis for making the determination; 3. the relevant behavior noted during the observation of the child; 4. the relationship of that behavior to the child’s academic functioning; 5. the educationally relevant medical findings, if any;

CRITERION NUMBER					
	Legal Standard				
	<p>6. statement whether there is a severe discrepancy between achievement and ability that is not correctable without special education and/or related services; and</p> <p>7. the determination of the Team concerning the effects of environmental, cultural, or economic disadvantage.</p> <p><u>Required written certification of Team members:</u> Each Team member certifies in writing whether the report reflects his or her conclusion. If not, the Team member submits a separate statement presenting his or her conclusions.</p>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td></td> <td style="text-align: center;">300.540-543</td> </tr> </table>	State Regulations	Federal Requirements		300.540-543
State Regulations	Federal Requirements				
	300.540-543				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 50%;">District Response Required: Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required: Yes		
Rating: Partially Implemented	District Response Required: Yes				

Department of Education Findings:

The student records indicated that the IEP Team does not document its findings in a written report when the Team determines that the student has a specific learning disability. Student records did not contain documentation of the observation of the student within the regular education setting, as required. Interviews indicated that at the early childhood level staff are conducting child observations as required by federal regulations.

CRITERION NUMBER					
	Legal Standard				
SE 4	<p>Reports of assessment results</p> <p>1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student’s needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.</p> <p>2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion.</p>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>28.04(2)(c)</td> <td style="text-align: center;">300.532</td> </tr> </table>	State Regulations	Federal Requirements	28.04(2)(c)	300.532
State Regulations	Federal Requirements				
28.04(2)(c)	300.532				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 50%;">District Response Required: Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required: Yes		
Rating: Partially Implemented	District Response Required: Yes				

Department of Education Findings:

Student records showed that the district’s Woodcock Johnson format for reporting assessment results does not summarize the procedures employed by the evaluator or the educationally relevant details of the student’s needs as required by part 1 of this criterion. Staff and parent interviews indicated that

summaries of assessments are not always provided to parents two days in advance of the Team meeting when requested by them.

CRITERION NUMBER	
	Legal Standard
SE 5	<p>Participation in general State and district-wide assessment programs</p> <ol style="list-style-type: none"> 1. All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs. 2. The district’s IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. <p>State Regulations Federal Requirements 300.138; 300.139</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 6	<p>Determination of transition services</p> <ol style="list-style-type: none"> 1. For a student who is 14 years of age, the Team considers the student’s course of study in relation to the student’s future goals and document this in the IEP. 2. For a student who is 16 years of age, or younger if appropriate, the Team includes in the IEP services that promote movement of the student from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. 3. The transition services are based upon the student's needs, taking into account the student's preferences and interests and includes specially designed instruction, community experiences, the development of employment or other post-school adult living objectives, and, if appropriate, the acquisition of daily living skills and functional vocational evaluation. 4. For any student approaching graduation or the age of twenty-two, the Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the Administrator of Special Education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services in accordance with the requirements of M.G.L. c.71, §12A-§12C (known as Chapter 688).

CRITERION NUMBER		
	Legal Standard	
	5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives. 6. The district ensures that students age 14, or younger if appropriate, are invited to and attend Team meetings at which transition services are discussed or proposed	<p style="text-align: center;">State Regulations M.G.L. Ch.71B, Sections 12A-C 603 CMR 28.05(4)(c)</p> <p style="text-align: center;">Federal Requirements 300.344(b), 300.347</p>
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

Student record review showed that IEPs that document student transitional services do not base the student’s course of study on the student’s preferences to promote progress towards post-school activities that reflect the student’s interests. In addition, vision statements do not have all the required elements such as the student’s vocational interests or adult living arrangements. Post high school vision statements frequently lack elaboration of the above elements. Staff interviews, however, indicated that a variety of transitional activities and opportunities are discussed at Team meetings.

CRITERION NUMBER		
	Legal Standard	
SE 7	<p>Transfer of parental rights at age of majority and student participation and consent at the age of majority</p> <ol style="list-style-type: none"> 1. One year prior to the student reaching age eighteen, the district informs the student of his or her right at age 18 to make all decisions in relation to special education programs and services. 2. Upon reaching the age of eighteen, the school district implements procedures to obtain consent from the student to continue the student’s special education program. 3. The district continues to send the parent written notices and information but will no longer have decision-making authority, except as provided below. <ol style="list-style-type: none"> (a) If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction (b) The student, upon reaching the age of majority and in the absence of 	

CRITERION NUMBER	
	<p style="text-align: center;">Legal Standard</p> <p>any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making</p> <p>(c) The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.</p> <p>State Regulations M.G.L. Ch. 231, Sec 3A 603 CMR 28.08(5),</p> <p>Federal Requirements 300.347(c), 300.517</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

Student records did not contain notices to the parents and student of the transfer of rights upon the student reaching the age of majority, as required by this criterion. While the district's documentation included a copy of the mandated notice, student records did not indicate that notices are being issued and placed within the record.

CRITERION NUMBER	
SE 8	<p style="text-align: center;">Legal Standard</p> <p><u>Evaluation Team composition</u> The following persons are members of the evaluation Team:</p> <ol style="list-style-type: none"> 1. The child's parents 2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district. 3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson) 4. A teacher who has recently had or currently has the student in a classroom or other teaching situation. If the student is involved or may be involved in a regular education program, a regular education teacher must be included as a Team member. 5. The student, age fourteen and older, if he/she chooses

CRITERION NUMBER		
	Legal Standard	
	<p>6. Other individuals at the request of the student's parents</p> <p>7. At least one teacher or specialist trained in the area of the student's suspected special needs</p> <p>8. Individuals who are qualified to interpret the instructional implications of evaluation results</p> <p>9. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education</p> <p>10. When one purpose of the Team meeting is to discuss transition services, the student age sixteen or older (or younger, if appropriate) is a part of Team process. If the student does not attend the Team meeting, the school district ensures that the Team is informed of the student's interests and preferences.</p> <p>11. When one purpose of the Team meeting is to discuss transition services, a representative of any public agency who may be responsible for providing or paying for transition services is invited to the Team meeting. If the representative(s) does not attend the meeting, the school district takes other steps to obtain the participation of these agencies.</p>	
	<p>State Regulations 28.02(22)</p>	<p>Federal Requirements 300.344; 300.552</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>	

Department of Education Findings:

The review of student records showed that parents are not always listed on the Team attendance sheets and that regular education teachers do not always participate in Team meetings. Staff interviews indicated that the Team composition at the Early Childhood Centers consistently meets the requirements of this criterion.

CRITERION NUMBER		
	Legal Standard	
<p>SE 9</p>	<p>Eligibility determination: Timelines for evaluation, provision of IEP and/or identification of other needed instructional programs</p> <p>1. Within forty-five school working days after receipt of the parent's written consent to an initial evaluation, unscheduled evaluation, or re-evaluation, the school district:</p> <ul style="list-style-type: none"> a. provides an evaluation b. convenes a Team meeting c. determines whether the student has one or more disabilities d. determines if the student is making effective progress in school e. determines if any lack of progress is a result of the student's disability f. determines if the student requires special education and/or related 	

CRITERION NUMBER						
	Legal Standard					
	<p>services and/or accommodations in order to make effective progress or that the student requires related services in order to access the general curriculum</p> <p>g. develops an IEP where the student is found to need special education</p> <p>h. provides the parent with the proposed IEP, or a written explanation of the finding of no eligibility</p> <p>i. determines that a student is ineligible to receive special education and/or the student’s lack of progress is due to a lack of instruction in reading or math or limited English proficiency or social maladjustment, the student is referred to a more appropriate instructional program or support service</p> <p>j. determines at the time of re-evaluation if the student would continue to make progress in school without the provision of special education services.</p> <p>2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for disability(ies) under Section 504, the student is referred for consideration by the district for eligibility under that regular education program.</p> <p>3. When the development of a student’s IEP does not indicate a need for direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district’s general education program.</p> <table border="0" data-bbox="391 1108 1412 1188" style="width: 100%;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>28.05(1) and (2)</td> <td>300.534</td> </tr> </table>		State Regulations	Federal Requirements	28.05(1) and (2)	300.534
State Regulations	Federal Requirements					
28.05(1) and (2)	300.534					
	Rating: Partially Implemented	District Response Required: Yes				

Department of Education Findings:

Student records indicated that evaluations are not always completed within 30 school working days, as required by regulation, and that Team meetings are not always held and IEPs issued within 45 school working days. Staff interviews and student records indicated that Building-Based Educational Team Facilitators (ETFs) do not have complete authority to commit the resources of the district and must reconvene the Team meeting and include the City-Wide Educational Team Facilitator in order to commit district resources. The reconvened Team meeting does not always occur within the mandated timelines. The Building-Based ETFs have only the authority to commit the resources of their particular school. The Team meetings re-convened with the City-Wide ETF are not always held within the mandated timelines. Student records contained no documentation to show that when students are found ineligible for special education they are served within more appropriate instructional programs or accommodated by means of a Section 504 plan.

CRITERION NUMBER			
	Legal Standard		
SE 10	<p>End of school year evaluations If consent is received within thirty (30) to forty-five (45) school working days before the end of the school year, the school district ensures that a Team meeting is scheduled so as to allow for the provision of a proposed IEP or written notice of the finding that the student is not eligible no later than fourteen (14) days after the end of the school year.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">State Regulations 28.05(1)</td> <td style="width: 50%;">Federal Requirements 300.342</td> </tr> </table>	State Regulations 28.05(1)	Federal Requirements 300.342
State Regulations 28.05(1)	Federal Requirements 300.342		
	Rating: Partially Implemented District Response Required: Yes		

Department of Education Findings:

The review of district documentation indicated inaccuracies in its data on the date of receipt of the parent’s consent to evaluate and the date of the Team meeting. Boston Public Schools provided the onsite review team with a printout of all cases in which consent was received 30-45 school working days before the end of the school year. In numerous cases the data indicates that the receipt of signed consent for an evaluation and the Team meeting occurred on the same date; in a few instances it indicates that the Team meeting was held before the signed consent to evaluate was received by the district.

CRITERION NUMBER	
	Legal Standard
SE 11	<p>School district response to parental request for independent educational evaluation If a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:</p> <ol style="list-style-type: none"> 1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the child are justified when an individual assessment rate is higher than that normally allowed. 2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district. 3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees. 4. If the parent is requesting an evaluation in an area not assessed by the school

CRITERION NUMBER		
	Legal Standard	
	<p>district, or if the student does not meet or the parent does not choose to share the financial documentation regarding the income eligibility standards for free or reduced cost independent educational evaluation, then the school district responds in accordance with the requirements of federal law by paying for the independent educational evaluation or, within five school days, proceeding to Special Education Appeals to show that its evaluation was comprehensive and appropriate. Where the Department's Special Education Appeals finds that the school district's evaluation was comprehensive and appropriate, the school district does not pay for the independent educational evaluation requested by the parent.</p> <p>5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator's report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.</p> <p>6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.</p>	
	<p>State Regulations 28.04(5)</p>	<p>Federal Requirements 300.503(a)(3)(i)</p>
	<p>Rating: Implemented District Response Required: No</p>	

CRITERION NUMBER		
	Legal Standard	
SE 12	<p>Frequency of re-evaluation</p> <ol style="list-style-type: none"> 1. Every three years, or sooner if necessary, the school district, with parental consent, conducts a full three-year re-evaluation consistent with the requirements of federal law. 2. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education. 	
	<p>State Regulations 28.04(3)</p>	<p>Federal Requirements 300.536</p>

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 13	<p>Progress Reports and content</p> <ol style="list-style-type: none"> 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP, including information on the extent to which such progress is sufficient to enable the child to achieve the goals by the end of the year. <p>State Regulations 28.07(3)</p> <p style="text-align: right;">Federal Requirements 20 U.S.C. Chapter 33, Section 1414(d)(1)(A)(viii) 300.347</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Student records indicated that progress reports do not contain sufficient information about whether the student is making progress towards the annual goals on the IEP. Documentation provided by the district indicated that it counts the annual IEP review/re-evaluation meeting as one progress report. The student record review also showed that IEP progress reports are not always sent with the same frequency that students in the regular education setting receive progress information.

CRITERION NUMBER	
	Legal Standard
TI 3	<p>In Targeted Assistance Schools (schools with less than 50% poverty) either:</p> <ol style="list-style-type: none"> 1. all Title I identified students who are being served, or 2. all students are assessed in at least one grade of each of the spans (3-5, 6-9, and 10-12.) <p>1115 (c)(1)(A) ESEA,IASA</p>
	<p>Rating: Not Applicable District Response Required: No</p>

Department of Education Findings:

Boston Public Schools has schoolwide programs; it does not have “Targeted Assistance Schools.”

CRITERION NUMBER	
	Legal Standard
TI 4	<p>MCAS and other local assessment results are analyzed in at least mathematics and reading/language arts and are used a) to determine program needs of students most at risk, b) to inform Title I program design and services, and c) to evaluate the impact on student achievement.</p> <p>1111 (b)(3) ESEA, IASA</p>
	<p>Rating: Implemented District Response Required: No</p>

COMPONENT II: STUDENT IDENTIFICATION AND PLACEMENT

The criteria in this component examine whether the district has followed procedures for student identification and placement into the program according to the criteria in regulations for the program areas listed below:

- Special Education (Report Issues # SE 15-23)
- Civil Rights Methods of Administration (MOA)
(Report Issues # MOA 1-6)
- Title I (Report Issues # TI 5-9)

CRITERION NUMBER	
	Legal Standard
SE 17	<p>Initiation of services at age three and Early Intervention transition procedures</p> <ol style="list-style-type: none"> 1. The school district encourages referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements. 2. The district implements procedures to ensure the effective transition of young children with disabilities from Early Intervention Programs through participation in transition planning conferences arranged by such programs. <p>State Regulations 28.06(7)(b)</p> <p>Federal Requirements 300.24(b)(3); 300.121(c); 300.132; 300.342(c)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Student records indicated that Team meetings to determine eligibility are often held after the student turns three years of age. Student records did not indicate when referrals from Early Intervention are received by the district triggering the implementation of transition procedures. Staff interviews indicated that evaluations of students are delayed until the students receive their temporary district identification numbers: district personnel are required to wait until these “T” numbers are assigned before starting evaluations, even when parents have provided consent. Documentation and staff interviews indicated that transition planning conferences do not always take place as required by part 2 of this criterion.

CRITERION NUMBER	
	Legal Standard
SE 18A	<p>IEP development and content</p> <ol style="list-style-type: none"> 1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting using the evaluation data to guide development of measurable, annual goals and objectives/benchmarks for the student. If the district chooses to draft any element(s) of the IEP for discussion, the Team Chairperson ensures that those elements are genuinely considered prior to adoption at the Team meeting. All ideas and needs of the child as expressed by all Team members,

CRITERION NUMBER							
	Legal Standard						
	<p>especially the parents, are genuinely considered by the district prior to proposing the IEP.</p> <ol style="list-style-type: none"> 2. The IEP includes specially designed instruction to meet the needs of the individual student and related services that are necessary to allow the student to benefit from the specially designed instruction, or consists solely of related services that are necessary to allow the student to access the general curriculum, consistent with federal and state requirements. 3. In developing the IEP, the Team proposes specially designed instruction and related services according to the needs of the child <u>and not</u> according to the availability of such instruction or related services. 4. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Education. Where applicable, the district includes in the IEP, or other notice to the parent, information regarding the implementation of any necessary restraint procedures for students as required under 603 CMR 46.00. 5. If the Team members are unable to agree on the IEP, the Team chairperson states the elements of the IEP proposed by the school district. 6. The school district ensures that each IEP Team has at least one person with authority to commit the resources of the district and that whatever services are set out in the IEP will actually be provided and that the IEP will not be changed at a higher administrative level within the district. 7. The IEP is written in generally understandable language. <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>28.05(3), (4), (6) and (7)</td> <td>300.340-300.350; 300.343(a)</td> </tr> <tr> <td>28.06(2)</td> <td>34 CFR Part 300, Appendix A, Question #22.</td> </tr> </table>	State Regulations	Federal Requirements	28.05(3), (4), (6) and (7)	300.340-300.350; 300.343(a)	28.06(2)	34 CFR Part 300, Appendix A, Question #22.
State Regulations	Federal Requirements						
28.05(3), (4), (6) and (7)	300.340-300.350; 300.343(a)						
28.06(2)	34 CFR Part 300, Appendix A, Question #22.						
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Rating: Partially Implemented</td> <td style="width: 50%;">District Response Required: Yes</td> </tr> </table>	Rating: Partially Implemented	District Response Required: Yes				
Rating: Partially Implemented	District Response Required: Yes						

Department of Education Findings:

Student records showed that on some IEPs there is no indication that accommodations or specially designed instruction is required by the student to make effective progress. Some of the IEPs reviewed by the onsite team indicated “none” where the IEP format calls for documenting the types of accommodations or the types of specially designed instruction. In some instances, the service delivery grids identify the placement and not the type of service provider responsible for the delivery of services. IEP goals and objectives are not always student-centered and do not describe how the specially designed instruction will be measured. Sections of the IEP that require narrative information, such as the vision statement, are reduced to a single sentence. The IEPs do not reflect the depth of the program opportunities available to students. Individual, specific needs are absent from the IEP narrative in part because of the use on the IEP of computer-generated objectives. The language of some IEPs is at times unclear or even incomprehensible, as evidenced by the use of incomplete statements and incomplete thoughts and by the lack of clear direction or guidance for implementation. In addition, in cases where students are in DYS custody, IEP placement forms do not reflect the student’s current placement. Staff and parent surveys indicated that Teams do not always provide the parents with a written statement of agreements upon the conclusion of the Team meeting. Lastly, some records reviewed showed that service providers had solicited changes to the IEP from

the parent without convening the Team to amend the IEP or write a new one, as necessary.

CRITERION NUMBER		
	Legal Standard	
SE 18B	<p>Determination of placement; provision of IEP to parent</p> <ol style="list-style-type: none"> 1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student’s IEP. 2. Unless the student’s IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education. 3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the child, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided. 4. The placement selected by the Team is the least restrictive environment consistent with the needs of the student. 5. Immediately following the development of the IEP, and within 45 school working days after receipt of the parent’s written consent to an initial evaluation or reevaluation, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases. <p>State Regulations 28.05(6) and (7)</p> <p>Federal Requirements 300.3463</p>	
	Rating: Partially Implemented	District Response: Yes

Department of Education Findings:

Student records indicated that IEPs are not always issued immediately following the Team meeting and that the parent does not always sign the placement (PL 1) form.

CRITERION NUMBER	
-------------------------	--

	Legal Standard	
SE 19	<p>Extended evaluation If the Team finds a student eligible for special education and finds the evaluation information insufficient to develop a full or partial IEP, the Team, with the parents' consent, agrees to an extended evaluation period.</p> <ol style="list-style-type: none"> 1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine eligibility and to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring. 2. The extended evaluation period is not be used to allow additional time to complete the required assessments and does not deny programs and services to the student. 3. If the parent consents to an extended evaluation, the Team documents their findings and determines what evaluation time period is necessary and the types of information needed to determine eligibility and/or develop an IEP, if appropriate. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to make their eligibility determination and/or develop an IEP when the evaluation is complete. 4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks. 5. The extended evaluation is not considered a placement. 	
	State Regulations 28.05(2)(b)	Federal Requirements
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	Legal Standard	
SE 20	<p>Least restrictive program selected</p> <ol style="list-style-type: none"> 1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs. 2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. 3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum. 	
	State Regulations	Federal Requirements

CRITERION NUMBER	
	Legal Standard
	28.06(2)(a) 300.130; 300.550-300.556
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

The review of student records showed that IEPs do not always contain clear justification for the Team’s decision that the student must be removed from the regular education environment. IEP Teams do not always document why students cannot be served in a regular education setting with the use of supplementary aids and services.

CRITERION NUMBER	
	Legal Standard
SE 21	<p>School day and school year requirements</p> <ol style="list-style-type: none"> 1. The school district ensures that every eligible elementary level student is scheduled to receive a minimum of 900 hours per school year of structured learning time and every secondary school student is scheduled to receive a minimum of 990 hours per school year of structured learning time unless otherwise provided for below. 2. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary. 3. The daily duration of the child’s program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the child. 4. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction. 5. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided. 6. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student’s IEP reflects the comprehensive nature of the educational program required. 7. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs. <p>State Regulations 28.05(4) Federal Requirements 300.309(b)</p>

CRITERION NUMBER	
	Legal Standard
	Chapter 69, section 1G
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

The review of student records showed that IEPs do not always reflect the Team’s decision about modifying a student’s schedule or show the frequency/cycle of services on the service delivery grid. In the IEPs it reviewed the onsite team sometimes found these sections left blank. The onsite team is aware that the district’s Special Education Information Management System (SEIMS) is constructed in a manner to prevent such occurrences. Nevertheless, the onsite team noticed instances in which the IEP did not affirm or negate the need for an extended school year or shortened school day.

CRITERION NUMBER	
	Legal Standard
SE 22	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student’s IEP. 4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved. <p>State Regulations 28.05(7)(b); 28.06(2)(b)(2)</p> <p style="text-align: right;">Federal Requirements 300.342</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 23	<p>Confidentiality of personally identifiable information The district protects the confidentiality of any personally identifiable information that is collected, used or maintained in accordance with federal and state law.</p> <p>State Regulations 603 CMR 23.00 (Student Records Regulations)</p> <p>Federal Requirements 300.560-576; Family Educational Rights and Privacy Act (FERPA)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Student records contained personally identifiable information about other students. For example, a class list containing other students' names, addresses, telephone numbers, ID numbers and grades was found in individual students' folders.

The following Civil Rights (MOA) findings are based upon the review of the district's two Horace Mann Charters, Health Careers Academy and Boston Evening Academy, only.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION II. STUDENT IDENTIFICATION AND PLACEMENT
	Legal Standard
MOA 1	<p>Identification of limited English proficient students The district uses qualified staff and appropriate procedures and assessments to annually classify and evaluate students who are limited English proficient and who need special language assistance.</p> <p>Title VI; MGL, Ch.76, Section 5</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 2	<p>Program modification for limited English proficient students Placement and program modification for limited English proficient students For students requiring special language assistance, the district makes necessary program modifications to effectively serve limited English proficient students.</p>

CRITERION NUMBER	
	Legal Standard
	Title VI; MGL, Ch.76, Section 5
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 3	<p>Access to a full range of education programs All students in grades 7-12, including linguistic and/or racial and ethnic minorities, males/females and students with disabilities, have access to the general education program and the full range of any occupational/vocational education programs offered by the district.</p> <p>Title II, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 4	<p>Placement of linguistic, racial minority and female/male students Patterns of placement in district programs and services for disabled students, linguistic and racial minority students, and females are consistent with those for non-disabled students, linguistic and racial majority students, and males; enrollment in honors courses, especially math and science honors courses, is inclusive of both females and males and of students from diverse ethnic and cultural groups.</p> <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard

CRITERION NUMBER	
	Legal Standard
MOA 5	<p>Placement of disabled students in occupational/vocational education programs When occupational/ vocational placement needs of disabled students are being considered:</p> <p>a. persons knowledgeable about a student’s disabilities are present at 504 or special education TEAM meetings and participate in ongoing communication regarding a student’s progress</p> <p>b. an array of occupational/vocational education programs and services are available to facilitate necessary program modifications and to meet the identified needs of students.</p> <p>Title II, S. 504</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 6	<p>Availability of in-school programs for pregnant students Pregnant students are permitted to remain in regular education classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.</p> <p>Title IX</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	TITLE 1 II. STUDENT IDENTIFICATION AND PLACEMENT
	Legal Standard
TI 5	Targeted Assistance Schools: a description is available of the multiple, objective, educationally-related criteria used to identify eligible students in grade 3 and above who are failing or most at-risk of failing to meet the high quality student performance and assessment standards required of all students. 1115 (b)(1)(B) ESEA,IASA 200.28 (Federal Register) CFR; 200.63 (c)(3)(i) (Federal Register) CFR.
	Rating: Not Applicable District Response Required: No

Department of Education Findings:
Boston Public Schools has schoolwide programs.

CRITERION NUMBER	Legal Standard
	TI 6
	Rating: Not Applicable District Response Required: No

Department of Education Findings:
Boston Public Schools has schoolwide programs.

CRITERION NUMBER	Legal Standard
	TI 7
	Rating: Not Applicable District Response Required: No

Department of Education Findings:
Boston Public Schools has schoolwide programs.

CRITERION NUMBER	
	Legal Standard
TI 8	<p>There is evidence that students with limited-English proficiency are identified as eligible and selected for Title I services on the same basis as other children selected to receive services.</p> <p>1115(b)(2)(A)(i) ESEA, IASA; 200.63 (c)(3)(ii) (Federal Register) CFR</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
TI 9	<p>There is evidence that students with special education needs are identified as eligible and selected for Title I services on the same basis as other children selected to receive services.</p> <p>1115(b)(2)(A)(i); 200.63 (c)(3)(ii) (Federal Register) CFR</p>
	<p>Rating: Implemented District Response Required: No</p>

COMPONENT III: PARENTAL INVOLVEMENT

The criteria in this component examine whether the district has ensured that parents are notified, in the appropriate language, and are involved in decisions regarding their children's programs and services for the program areas listed below:

- Special Education (Report Issues # SE 24-32)
- Civil Rights Methods of Administration (MOA) (Report Issue # MOA 7)
 - Title I (Report Issues # TI 10-11B)

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT	
	Legal Standard	
SE 24	<p>Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE</p> <ol style="list-style-type: none"> 1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. 2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral. 3. Notice is given by the district within a reasonable time for all other actions. 4. The school district provides the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation 5. The district provides parents with an opportunity to consult with the Administrator of Special Education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments 6. The school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's Curriculum Accommodation Plan, including any pre-referral program. 7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development. <p>State Regulations 28.04(1)</p> <p>Federal Requirements 300.503(a)</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

The review of documentation in the student records indicated that N1 and N2 notices do not contain all the required narrative elements. Notices do not elaborate on the questions posed by the mandated forms. Staff interviews indicated that in some instances when a parent refers a child for an evaluation, the school first provides information regarding the support team process and the interventions available. Parents are encouraged to try pre-referral activities for their child; however, in some cases the practice is to delay the implementation of the special education evaluation requested by the parent.

CRITERION NUMBER	
	Legal Standard
SE 25	<p>Parental consent In accordance with state and federal law, the school district obtains informed parental consent as follows:</p> <ol style="list-style-type: none"> 1. The school district obtains written parental consent before conducting an initial evaluation or making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education. 2. The school district obtains consent before initiating extended evaluation services. 3. The school district obtains consent to the services proposed on a student’s IEP before providing such services. 4. The school district obtains consent prior to placing a student in an initial special education placement and for any subsequent placement. 5. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the child. 6. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. 7. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the child. If, after consideration, the school district determines that the parent’s failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through Special Education Appeals <p>State Regulations 28.07(1)</p> <p style="text-align: right;">Federal Requirements 300.500(b)(1)</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

The review of student records indicated that some evaluations precede the receipt of the signed consent of the parent. Student records also showed that parents have not signed some IEPs placed within the record. In addition, parents do not always sign placement (PL1) forms. Evidence of multiple attempts by the district to obtain parental consent was not always contained in the student record. The district does, however, have a mechanism for logging its attempts to obtain parental consent and participation. In reviewing the records of students in out-of-district placements, the onsite review team noted that often the IEP is developed, provided to the parent and signed on the date of the Team meeting.

CRITERION NUMBER		
	Legal Standard	
SE 26	<p>Parent participation in meetings</p> <ol style="list-style-type: none"> 1. The district ensures that one or both parents of a child are members of any group that makes decisions on the educational placement of their child. 2. The Administrator of Special Education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend. 3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts. 4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing. 5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation. <p>State Regulations 28.02(22)</p> <p>Federal Requirements 300.345(d), 300.501</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

Student records reviewed by the onsite team indicated that in some instances parents did not attend Team meetings. Although the district has a method of tracking and logging attempts to secure parent participation, district personnel did not in these instances log such attempts. Where the Team indicated that the parent did not attend the Team meeting, the tracking instrument contained within the student record was blank.

CRITERION NUMBER	
	Legal Standard
SE 27	<p>Content of Team meeting notice to parents</p> <ol style="list-style-type: none"> 1. The parent notice of an evaluation required by 603 CMR 28.04(1)(a) meets all of the content requirements set forth in MGL c.71B, §3, and in federal law and seeks the consent of the parent for any evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student’s skills or abilities and to consult regarding the evaluators to be used. 2. The parent notice of any Team meeting states the purpose, time and location of the meeting as well as who will be in attendance. <p>State Regulations 28.04(1)(b)</p> <p style="text-align: right;">Federal Requirements 300.503-504</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 28	<p>Parent provided the IEP or notice of no eligibility together with notification of procedural safeguards and parents' rights</p> <p>Immediately following the development of the IEP and without undue delay, the district provides the parents with a copy of the proposed IEP or a written explanation of the finding of no eligibility for special education together with the required notice of procedural safeguards and parents’ rights.</p> <p>State Regulations 28.05(7)</p> <p style="text-align: right;">Federal Requirements 300.345(f)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Student records indicated that the IEP is not always provided to the parent immediately following its development. The onsite review team found that the required notices, which accompany the IEP, were in some cases dated a few weeks or more after the Team meeting to develop the IEP was held.

CRITERION NUMBER		
	Legal Standard	
SE 29	<p>Communications are in English and primary language of home</p> <ol style="list-style-type: none"> 1. Communications with parents are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and that all such communications are documented. 2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (1) that it has provided such notice in an alternate manner, (2) that the content of the notice and (3) the steps taken to ensure that the parent understands the content of the notice. <p>State Regulations 28.07(g)</p> <p>Federal Requirements 300.345(e)</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

The onsite review team found inconsistency in the implementation of this criterion. Student records showed that mandated forms are not always translated and placed within the record. The district does, however, have translated formats available for use by district personnel.

CRITERION NUMBER		
	Legal Standard	
SE 30	<p>Elements of notice of parents' rights</p> <p>The district's notice of parental rights contains all required elements included in the most current version of the Massachusetts Parent's Rights Brochure.</p> <p>State Regulations MGL c. 71B, Sec. 3</p> <p>Federal Requirements 300.503-504</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 31	<p>State and district responsibility for educational surrogate parents</p> <ol style="list-style-type: none"> 1. When a student is without parental representation and requires an educational surrogate parent to be appointed in accordance with federal law and regulations, upon request of the Department, the district responsible for services to the student assists in identifying a person willing to serve as an educational surrogate parent. 2. Upon assignment by the Department, such educational surrogate parent has all the rights and responsibilities of a parent in making decisions regarding eligibility and services for special education for the assigned student. The Department provides notice of appointment to the school district and any state agency with custody of the student. 3. A person identified by the district and willing to serve as an educational surrogate parent has no conflict of interest and is not in the employ of the school district or any state or local agencies involved with the care of the student . 4. A person identified by the district, appointed by the Department, and serving as an educational surrogate parent does not receive financial remuneration from the district except that the school district reimburses the person for reasonable expenses related to the exercise of his or her responsibilities as an educational surrogate parent for a student enrolled in the district. <p>State Regulations 28.07(7)</p> <p>Federal Requirements 300.515</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 32	<p>Parent advisory council for special education</p> <ol style="list-style-type: none"> 1. The school committee has established a parent advisory council on special education. 2. Membership on the council is offered to all parents of children with disabilities and other interested parties. 3. The parent advisory council duties include but are not limited to: advising the school committee on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school committee’s special education programs. 4. The parent advisory council has established by-laws regarding officers and 	

CRITERION NUMBER	
	Legal Standard
	<p>operational procedures.</p> <p>5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.</p> <p>6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws and makes written materials explaining such rights available upon request.</p> <p>State Regulations Chapter 71B, sec. 1C; 28.07(4)</p> <p style="text-align: center;">Federal Requirements</p>
	Rating: Implementation in Progress District Response Required: Yes

Department of Education Findings:

The district was required to have a particular model of the parent advisory council (PAC) organization while under the court-ordered Allen agreement. The district is no longer under the requirements of the Allen agreement and has proceeded to reorganize the structure of the PAC.

The following Civil Rights finding is based upon the review of the district’s two Horace Mann Charters, Health Careers Academy and Boston Evening Academy, only.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION III. PARENTAL INVOLVEMENT
	Legal Standard
MOA 7	<p>General information and materials in languages other than English When students have parents or guardians with limited English language skills, the following are published in language(s) other than English and disseminated to all relevant recipients: general announcements, counseling materials, notices of extracurricular activities, and information regarding school recruitment and promotional activities.</p> <p>Title VI; MGL, Ch.76, Section 5</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	TITLE 1 III. PARENTAL INVOLVEMENT
	Legal Standard
TI 10	<p>The program demonstrates evidence of having met the following Title I requirements:</p> <ul style="list-style-type: none"> • parents are involved in writing, and have agreed upon, both the district’s and school’s written parental involvement policies; • plans/policies are developed which ensure that parents are involved in program planning, implementation and review; • parents are involved in a timely, organized, and ongoing manner in the planning, review, and improvement of programs; • parents are provided the following information in a timely manner: <ul style="list-style-type: none"> - school performance profiles and their child’s individual assessment results and interpretation of those results; - a curriculum description and explanation, forms of assessment used, and expected proficiency levels; - opportunities for regular meetings; - and timely responses to parental suggestions • parents are involved in School-Parent Compacts and annual assessment of the effectiveness of parent involvement; and • an annual Title I informational meeting is conducted for parents together with other pertinent meetings of interest to parents. <p>1118 (a)-(e) ESEA,IASA</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Documentation provided insufficient evidence that each school receives at least 1% funding for parental involvement activities as required. Documentation indicated that Boston does not have home-school compacts or parental involvement policies and does not conduct annual assessments of the effectiveness of parental involvement. Furthermore, documentation from Title I parent groups indicated that some principals are not giving parents Title I information or telling them about services available to students. Staff and parent interviews indicated that at the local school level, opportunity to participate in program planning, review and implementation is limited to the parents who are on the school council. Within the neglected or delinquent (N or D) facilities, interviews indicated that parents are not informed about the Title I program

CRITERION NUMBER	
	Legal Standard
TI 11	<p>All policies and procedures regarding parental involvement are in writing and available and/or distributed to Title I parents in a language and form that they can understand.</p> <p>1118 (f) ESEA,IASA</p>

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

The review of district documentation indicated that not all policies and procedures regarding parental involvement are in a language or form easily understood by the parent population. In addition, staff interviews indicated that in N or D facilities policies and procedures concerning parental involvement do not exist.

CRITERION NUMBER	
	Legal Standard
TI 11A	The district provides materials and training to Title I parents to enable them to improve their children’s achievement. (e.g., curriculum descriptions; school performance profiles) 1118(e)(2)(A) and (B)
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Interviews with teachers and parents indicated that limited opportunities exist for all Title I parents to receive materials and training that will enable them to improve their children’s achievement. In addition, staff interviews indicated that in N or D facilities the district does not provide any materials and training to Title I parents to enable them to improve their children’s educational achievement.

CRITERION NUMBER	
	Legal Standard
TI 11B	Parents of Title I students have equal opportunity to be represented on local School Councils. The Education Reform Act of 1993
	Rating: Implemented District Response Required: No

COMPONENT IV: CURRICULUM AND INSTRUCTION

The criteria in this component examine whether the district holds all students to high expectations and standards and ensures that the program areas reviewed are designed to maximize student performance within regular education and are implemented according to specific regulatory requirements with respect to learning time, class size, staffing ratio, and age spans. The criteria also examine if the district has provided for coordination across the following program areas:

- Special Education (Report Issues # SE 33-42)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 8-9)
 - Title I (Report Issues # TI 12-14F)

CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
SE 33	<p>Involvement in the general curriculum</p> <ol style="list-style-type: none"> 1. District personnel reflect a full understanding of the connection between the Massachusetts Curriculum Frameworks and the expectations of the state for student performance as well as the rights of students with disabilities to be full participants in the general curriculum. 2. The district has either aligned its district curriculum with the Frameworks or has taken steps to provide students (including all students with disabilities) with essential learning opportunities that prepare the students to reach the state graduation standards. 3. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. 4. In the IEP the district documents the student's participation in the general curriculum. 	
	State Regulations 28.05(4)(a) and (b)	Federal Requirements 300.347(a)(1)(i); 300.137
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

Student records showed that IEPs do not contain sufficient narrative information about student participation in the general curriculum. IEPs do not adequately document how a student's disability affects his or her progress within the curriculum areas identified by the team as being affected by the student's disability.

CRITERION NUMBER		
	Legal Standard	
SE 34	<p>Continuum of alternative services and placements</p> <p>The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p>	
	State Regulations	Federal Requirements 300.551;300.305; 300.123
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 35	<p>Specialized materials and assistive technology</p> <ol style="list-style-type: none"> 1. Specialized materials and equipment specified in IEPs are provided, are of good quality and are suitable for the role they play in the IEP. 2. The school district provides evidence that assistive technology is considered for each eligible student and, if necessary, described in the IEP and provided by the district. <p>State Regulations Federal Requirements 34 CFR 300.308, 34 CFR 300.346</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 36	<p>IEP implementation, accountability and financial responsibility</p> <ol style="list-style-type: none"> 1. The district ensures that IEPs are implemented without delay upon parent consent. 2. The district oversees in an ongoing manner the full implementation of each in-district and each out-of-district IEP it proposes which has been consented to by a child's parents. 3. The district makes a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP. 4. The district provides all programs and services without expense to the child's parents. 5. Each time the school district proposes to access the parent's private insurance proceeds to support the costs of IEP implementation, the school district obtains the parent's consent and informs the parents that their refusal to permit the school district to access their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents. <p>State Regulations 28.06(3)</p> <p>Federal Requirements 300.142; 300.350</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 37	<p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Education, or to the out-of-district placement. 2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement. 3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department. 4. <u>Written contracts</u>: At a minimum, the school district enters into written contracts with all public and private out-of-district placements. Such contracts meet the content requirements of 28.06(3)(f)(1-5). 5. <u>Use of unapproved programs</u>: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation. 6. <u>Placement documentation</u>: The following documentation is maintained by the school district pursuant to its placement of children in unapproved out-of-district programs: <ol style="list-style-type: none"> a. <u>Search</u>: The Administrator of Special Education documents the search for and unavailability of a program approved by the Department. The Administrator places such documentation in the student record. b. <u>Evaluation of facility</u>: The Administrator of Special Education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

The records reviewed by the onsite team of students placed in unapproved programs did not contain documentation of the appropriateness of the site, of the credentials of the program staff, or of the search efforts conducted by the district. Monitoring plans for both approved and unapproved programs identify the person responsible and the monitoring activities the person will engage in; however, there was no documentation that such activities have actually been carried out and have verified the implementation of services specified by the student’s IEP.

CRITERION NUMBER	
	Legal Standard
SE 38	<p>Educational services in institutional settings (ESIS) <u>Department of Education responsibility:</u> In cases where the Department provides certain special education services to eligible students in certain facilities operated by or under contract with the Department of Mental Health, the Department of Youth Services, County Houses of Corrections, or the Department of Public Health, the Department retains the discretion to determine, based upon resources, the type and amount of special education and related services that it provides in such facilities. <u>School district responsibility:</u></p> <ol style="list-style-type: none"> 1. The district implements its responsibilities to students in institutional settings by acting on requests for evaluation, issuing proposed IEPs in a timely manner, and providing special education and/or related services in accordance with state and federal law. 2. Where a student's IEP requires a type or amount of service that the facility does not provide, it remains the responsibility of the parent’s school district to implement the student's IEP by arranging and paying for the provision of such service(s). 3. The parent’s school district coordinates with the state agency to ensure that the student receives an evaluation, an annual review, and special education services as identified at a Team meeting convened by the parent’s school district. <p style="text-align: center;">State Regulations Federal Requirements 28.06(9)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Staff interviews and documentation review indicated that students in institutional settings do not always have IEPs reflecting their current placement. District policies do not reflect current regulations and continue to use outdated terminology, such as “prototype.”

CRITERION NUMBER	
	Legal Standard
<p>SE 39</p>	<p>Procedures used to provide services to eligible students enrolled in private schools at private expense</p> <ol style="list-style-type: none"> 1. On or before December 1, the district determines the number of eligible private school students in consultation with private school representatives. 2. To the extent that the school district provides and pays for special education services for eligible students enrolled in private schools at private expense, the following requirements and procedures are implemented: <ol style="list-style-type: none"> a. The district provides special education and/or related services designed to meet the needs of eligible children who are attending private schools at private expense and whose parents reside in the jurisdiction of the school district. The school district provides to such children genuine opportunities to participate in the public school special education program consistent with state constitutional limitations. b. The district provides or arranges for the provision of evaluation services and an IEP for any eligible private school child whose parent resides in the jurisdiction of the school district. The evaluation may take place in the public school, the private school, or an appropriate contracted facility, and the school district ensures that a representative of the child's private school is invited to participate as a member of the Team pursuant to §28.05. c. The district provides or arranges for the provision of the special education and/or related services described by the child's IEP and the district ensures that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services are provided on public or private school grounds. d. The district does not withdraw or withhold services from a child solely because the school district has met the spending requirements of federal law. 3. Special education services and/or related services provided by the district to a private school child are comparable in quality, scope, and opportunity for participation to that provided to public school children with needs of equal importance. 4. The district ensures that programs in which both public and private school children participate do not include classes that are separated on the basis of school enrollment or the religious affiliation of the children. <p>State Regulations 28.03(e)</p> <p>Federal Requirements 300.450-300.462</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
<p data-bbox="253 359 329 388">SE 40</p>	<p data-bbox="407 380 1273 409">Instructional grouping requirements for students aged five and older</p> <ol data-bbox="407 415 1406 1413" style="list-style-type: none"> 1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. 2. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. 3. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size does not exceed eight (8) students with a certified special educator, twelve (12) students if the certified special educator is assisted by one aide, and sixteen (16) students if the certified special educator is assisted by two aides. 4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, the district provides instructional groupings that do not exceed eight (8) students to one certified special educator or twelve (12) students to a certified special educator and an aide. 5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Administrator of Special Education and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school. 6. In such cases, the Administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated. 7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district. <p data-bbox="407 1451 630 1514">State Regulations 28.06(6)</p> <p data-bbox="883 1451 1166 1480" style="text-align: right;">Federal Requirements</p>
	<p data-bbox="407 1524 678 1554">Rating: Implemented</p> <p data-bbox="919 1524 1341 1554" style="text-align: right;">District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard

CRITERION NUMBER	
	Legal Standard
SE 41	<p>Age span requirements The ages of the youngest and oldest child in any instructional grouping do not differ by more than forty-eight months. A written request for approval of a wider age range is submitted to the Commissioner of Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Education.</p> <p>State Regulations 28.06(6)(f)</p> <p style="text-align: right;">Federal Requirements</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

Staff interviews indicated that the OSDC (Occupational Social Developmental Center) program at Charlestown High School has two classes with instructional groups where the age span exceeds 48 months. In addition, Hyde Park and The Carter School have instructional groups with age spans exceeding this maximum. The district has not requested age span waivers from the Department of Education.

CRITERION NUMBER	
	Legal Standard
SE 42	<p>Programs for young children three and four years of age <u>General requirements:</u></p> <ol style="list-style-type: none"> 1. The school district ensures programs are available for eligible children three and four years of age. Such programs shall be developmentally appropriate and specially designed for children ages three and four years. 2. Where at all possible the school district accepts referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements. 3. Where appropriate, the school district elects, consistent with federal requirements to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible children to public school services. 4. Where appropriate the Team allows a child to remain in a program designed for three and four year old children for the duration of the school year in which the child turns five years old (including the summer following the date of the child's fifth birthday). <p><u>Types of Settings:</u></p> <ol style="list-style-type: none"> 5. <u>Inclusionary programs</u> for young children are located in a setting that includes

CRITERION NUMBER		
	Legal Standard	
	<p>children with and without disabilities and meet the following standards:</p> <ul style="list-style-type: none"> a. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting. b. For public school programs that integrate children with and without disabilities, the class size does not exceed twenty (20) with one teacher and one aide and no more than five (5) students with disabilities. If the number of students with disabilities is six (6) or seven (7) then the class size does not exceed fifteen (15) students with one teacher and one aide. <p>6. <u>Substantially separate programs</u> for young children are located in a public school classroom or facility that serves primarily or solely children with disabilities. Substantially separate programs adhere to the following standards:</p> <ul style="list-style-type: none"> a. Substantially separate programs are programs in which more than 50% of the children have disabilities. b. Substantially separate programs operated by the district limit class sizes to nine (9) students with one teacher and one aide. <p>State Regulations 28.06(7)</p> <p>Federal Requirements 300.342(c)</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

See the finding under SE 17 in Component II above regarding part 2 of this criterion.

The following Civil Rights findings are based upon the review of the district’s two Horace Mann Charters, Health Careers Academy and Boston Evening Academy, only.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION IV. CURRICULUM AND INSTRUCTION	
	Legal Standard	
MOA 8	<p>Accessibility of extra curricular activities Extra curricular activities sponsored by the district are non-discriminatory in that:</p> <ul style="list-style-type: none"> X the school provides equal opportunity for male and female students to participate in intramural and interscholastic sports X extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation and disability. X <p>Title II; Title IX ; S. 504; MGL, Ch.76, Section 5</p>	
	Rating: Implemented	District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 9	<p>Promotional, recruitment, and employment practices of prospective employers of students</p> <p>The district ensures that promotional efforts and recruitment and employment practices and materials aimed at students, including career days, work study, cooperative work experience and apprenticeship training programs, are free of bias and discrimination by:</p> <ul style="list-style-type: none"> X depicting students from both sexes and under represented groups in all pictorial representations X making clear in written materials that all options are open to students regardless of race, color, sex, religion, national origin, sexual orientation or disability X requiring employers recruiting at the school to sign a statement that they do not discriminate in hiring or employment practices <p>Title I, Title VI, Title IX, S. 504, MGL, Ch.76, Section 5</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	TITLE 1 IV. CURRICULUM AND INSTRUCTION
	Legal Standard
TI 12 - TAS	<p>Title I services provided to students are designed to assist the students to meet the expectations and standards of the regular education curriculum and of the state curriculum frameworks.</p> <p>1115 (c)(1)(D) (ii) ESEA,IASA; 1001 (a)(1); 1001 (d)(1) ESEA,IASA</p>
	<p>Rating: Not Applicable District Response Required: No</p>

Department of Education Findings:
Boston Public Schools has schoolwide programs.

CRITERION NUMBER	
	Legal Standard
TI 13 - TAS	There is an established process for coordination and collaboration of Title I services with the instructional and assessment programs provided in regular education, special education, TBE/ESL, vocational education, early childhood (including Even Start and Head Start), and for the Homeless. 1112 (b)(4)(A-B); 1115 (c)(1)(E);1120(b)(a)ESEA,IASA
	Rating: Not Applicable District Response Required: No

Department of Education Findings:
Boston Public Schools has schoolwide programs.

CRITERION NUMBER	
	Legal Standard
TI 14 - TAS	Efforts are being made to minimize removing students from the regular classroom during school hours. Title I inclusion services are provided in a manner to accelerate learning and do not result in in-class pull-out models. 1115(c)(1)(D)(iii) ESEA,IASA
	Rating: Not Applicable District Response Required: No

Department of Education Findings:
Boston Public Schools has schoolwide programs.

CRITERION NUMBER	
	Legal Standard
TI 14A - TAS/SWP	The school district provides opportunities for Title I students to participate in extended day/week/year programs and activities which may be funded through the integration of district resources. 1115(c)(1)(D)(i) ESEA, IASA
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 14 - SWP	<p>A comprehensive Schoolwide Programs (SWP) plan has been developed with involvement of community to be served and individuals who will carry out the plan, including:</p> <ul style="list-style-type: none"> • teachers, principals and other staff, and where appropriate • pupil services personnel, • parents, and • secondary school students, if applicable. <p>1114(b)(2)(C)(ii) ESEA,IASA; 200.6(e)(2)(ii)(Federal Register)(CFR)</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Interviews with parents indicated that not all parents are provided with opportunities to be actively involved in developing the schoolwide plan.

CRITERION NUMBER	
	Legal Standard
TI 14A - SWP	<p>The comprehensive SWP plan is in effect for the duration of the school’s participation and reviewed and revised, as necessary, by the school.</p> <p>1114(b)(2)(C)(iii) ESEA,IASA; 200.6(e)(3) and (4)(Federal Register)(CFR)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 14B - SWP	<p>The SWP plan includes a comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards.</p> <p>1114(b)(1)(A) ESEA, IASA; 200.6(d)(1)(i)(Federal Register)(CFR)</p>

CRITERION NUMBER	
	Legal Standard
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 14C - SWP	The SWP plan includes reform strategies that provide opportunities for all children to meet the State’s proficient and advanced levels of student performance. 1114(b)(1)(B)(i) ESEA, IASA; 200.6(d)(2)(i) (Federal Register (CFR))
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 14D - SWP	The district acts to fully implement its assurance that it provides technical assistance and support to schoolwide programs and works in consultation with these programs as they develop and implement such plans. 1112(c)(1)(B) and (C) ESEA, IASA
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 14E - SWP	In providing technical assistance and support to schoolwide programs, the district ensures that the programs and plans contain all required schoolwide components and

CRITERION NUMBER	
	Legal Standard
	plan requirements. 1112(c)(1)(B); 1114(b)(1) and (2) (Federal Register)(CFR)
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
T1 14F - SWP	The schoolwide plan is made available to school district staff, parents, and the public, and the information contained in such plan is translated, to the extent feasible, into any languages that a significant percentage of parents of participating children in the school speak as there primary language. 1114(b)(2)(C)(iv) ESEA, IASA; 200.6(e)(2)(iii) and (iv) (Federal Register)(CFR)
	Rating: Not Implemented District Response Required: Yes

Department of Education Findings:

Document review and staff interviews indicated that the schoolwide plans are available only in English.

COMPONENT V: STUDENT SUPPORT SERVICES

The criteria in this component examine whether the district has ensured that all students have equal opportunity and access to programs or services in the program areas listed below:

- Special Education (Report Issues # SE 43-49A)
- Civil Rights Methods of Administration (MOA)
(Report Issues MOA 10 –17A)
 - Title I (Report Issues # TI 15-18)

CRITERION NUMBER	SPECIAL EDUCATION V. STUDENT SUPPORT SERVICES	
	Legal Standard	
SE 43	Behavioral interventions For a student whose behavior impedes their learning or the learning of others, the Team considers the student's behavior including positive behavioral interventions, ability to follow school discipline codes, any needed code modifications and the possible need for a functional behavioral assessment.	
	State Regulations	Federal Requirements 300.346
	Rating: Implemented	District Response Required: No

CRITERION NUMBER		
	Legal Standard	
SE 44	Procedure for recording suspensions The district has a procedure to record the number and duration of suspensions, including any suspensions from any part of the student's IEP program (including transportation).	
	State Regulations	Federal Requirements 300.121(d)(2)
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

The review of student records indicated that while the district has a procedure and form for tracking the number and duration of suspensions, the number of suspensions a student receives is not always recorded accurately. Staff interviews indicated that in some instances students are sent home or otherwise removed from their programs for part of the day, but the district does not count the partial removals as suspensions.

CRITERION NUMBER	
	Legal Standard
SE 45	<p>Procedures for suspension up to 10 days and after 10 days: General requirements</p> <ol style="list-style-type: none"> 1. All students, including eligible students with disabilities, receive prior written notice regarding the school's Code of Conduct. 2. The school's Code of Conduct includes required procedural safeguards such as opportunity for a hearing (per Goss v. Lopez). 3. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below. 4. After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education. 5. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year. <p>State Regulation MGL c. 76, sec. 16-18 Chapter 71, section 37 H</p> <p style="text-align: right;">Federal Requirements 300.519-300.529</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

The Boston Public Schools' policy and procedures handbook states that special education students have certain protections under IDEA-97 but does not describe the protections or explain where the parent or student may obtain information about them. Individual school handbooks do not describe the procedural safeguards that the Boston Public Schools policy handbook mentions. In addition, see the finding under SE 44 above.

CRITERION NUMBER	
	Legal Standard
SE 46	<p>Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district</p> <ol style="list-style-type: none"> 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. Prior to a suspension that constitutes a change in placement of a student with disabilities, the Team convenes <ol style="list-style-type: none"> a. to develop or review a functional behavioral assessment of the student's behavior to modify a behavior intervention plan or develop

CRITERION NUMBER	
	<p style="text-align: center;">Legal Standard</p> <p>an assessment plan;</p> <p>b. to identify appropriate alternative educational setting(s); and</p> <p>c. to determine the relationship between the disability and the behavior - “a manifestation decision” (Is IEP appropriate? Is placement appropriate? If there was a behavior plan, was it implemented? Does student understand impact and consequences of his/her behavior? Can student control behavior?).</p> <p>3. If the Team determines that the behavior is <u>NOT</u> a manifestation of the disability, then the district may suspend or expel the student consistent with policies applied to any student without disabilities, except that the district must still offer an appropriate education program to the student with disabilities which may be in some other setting.</p> <p>4. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 days</p> <p>a. if the behavior involves weapons or illegal drugs or another controlled substance while at school or a school function; or</p> <p>b. if the district provides evidence that the student is “substantially likely” to injure him/herself or others and a hearing officer orders the alternative placement; and</p> <p>c. the interim alternative education setting enables the student to continue in the general curriculum, to continue receiving services identified on the IEP, and provides services to address the problem behavior.</p> <p>5. If the Team determines that the behavior <u>IS</u> a manifestation of the disability, then the district takes steps (with the consent of the parent) to correct the IEP, the placement, or the behavior intervention plan and does not suspend the student again during the school year.</p> <p>6. The school district provides written notice to the parent of all rights to appeal and to an expedited hearing. If the parent chooses to appeal, during the appeal the student stays put in the placement on the last accepted IEP or the interim alternative placement, unless the parent and the school district agree otherwise.</p> <p>State Regulations Federal Requirements 300.519-300.528</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

Student records indicated that the Team does not always complete manifestation determinations when the student reaches or exceeds ten days of suspension.

CRITERION NUMBER	
	Legal Standard
	<p>5. health services 6. transportation 7. recess and physical education, including adapted physical education 8. athletics and recreational activities 9. school-sponsored groups or clubs 10. meals</p> <p>State Regulations 28.06(5)</p> <p>Federal Requirements 300.121; 300.300-313</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 49	<p>Related services For each student with special education needs found to require related services, the school district provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:</p> <ol style="list-style-type: none"> 1. speech-language pathology and audiology services 2. psychological services 3. physical therapy 4. occupational therapy 5. recreation, including therapeutic recreation 6. early identification and assessment of disabilities in children 7. counseling services, including rehabilitation counseling 8. orientation and mobility services (peripatology) 9. medical services for diagnostic or evaluation purposes 10. school health services 11. social work services in schools, and 12. parent counseling and training. <p>State Regulations 28.02(19)</p> <p>Federal Requirements 300.24</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Staff interviews indicated that there is not adequate access to the availability of counseling services in

the district. Staff interviews indicated that IEP Teams identify the need for counseling services only as a recommendation provided to the Building Based Student Support Team. The IEP Team does not determine the type, duration or frequency of counseling services, but defers to clinical expertise outside of the Team. Other staff interviews indicated that counseling services would be recommended only if a report from a clinical psychologist, psychiatrist or psychiatric nurse was provided.

CRITERION NUMBER	
	Legal Standard
SE 49A	<p>Special Transportation</p> <p>If the IEP specifies that the student’s disability requires transportation or specialized transportation arrangements in order to benefit from special education, the district implements these provisions of the student’s IEP.</p> <ol style="list-style-type: none"> 1. The Team determines necessary modifications, special equipment, assistance, need for qualified attendants on vehicles, and any particular precautions required by the student and documents such determinations in the student's IEP. If specialized arrangements can be provided on regular transportation vehicles, the school district makes such arrangements. 2. The district arranges to have eligible students who use wheelchairs transported in vehicles that do not require such children to be removed from their wheelchairs in order to enter or leave the vehicles; provided, however, that this requirement is not applicable where a Team or the student’s physician recommends that the student regularly transfer in and out of conventional vehicles to or from a wheelchair for therapeutic or for independence training reasons. 3. The Team specifies whether the student requires assistance in or out of the home, on or off of the vehicle, and in or out of the school. If such assistance is specified, the district ensures that it is provided. 4. The Team specifies if the student has a particular need or problem that may cause difficulties during transportation, such as seizures, a tendency for motion sickness, behavioral concerns, or communication disabilities. 5. The school district does not allow transportation considerations to influence, modify, or determine the educational program, including the length of the school day, required by any student. <p>State Regulations 28.05(5)(b)</p> <p style="text-align: right;">Federal Requirements</p>
	<p>Rating: Implemented District Response Required: No</p>

The following Civil Rights findings are based upon the review of the district's two Horace Mann Charters, Health Careers Academy and Boston Evening Academy, only.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION V. STUDENT SUPPORT SERVICES
	Legal Standard
MOA 10	<p>Notification of school district staff and the general public At the beginning of each school year, students, parents, employees, and the general public are:</p> <ul style="list-style-type: none"> X notified that all programs, activities and employment opportunities are offered without regard to race, color, sex, religion, national origin, sexual orientation and disability X given the name(s), address(es) and telephone number(s) of Title VI, Title IX and Section 504 coordinator(s) <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
MOA 11	<p>Publication of notices of non-discrimination All publications for students, parents and employees, including written materials and other media used to publicize a school, specifically affirm that the school does not discriminate on the basis of race, color, sex, religion, national origin, sexual orientation or disability.</p> <p>Title VI; Title IX; Section 504; MGL, Ch.76, Section 5</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
MOA 12	Grievance procedures

CRITERION NUMBER	
	Legal Standard
	Written grievance procedures for students and for employees covering Title VI (race, national origin), Title IX (sex equity), and Section 504 (disability) have been adopted and published, and a grievance process is in place that provides prompt and equitable resolution. Title II, Title VI, Title IX, S. 504
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 13	Availability of information to prospective occupational/vocational students All students in grades 7-9, including those in special education and English as a second language programs, receive counseling and information on the full range of general curricular and any occupational/vocational opportunities available to them. Title VI, Title IX, S. 504
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 14	Counseling materials and activities free from bias and stereotypes To ensure that materials and activities are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation or disability, all counselors: <ul style="list-style-type: none"> X encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills X examine testing materials for bias and counteract any found bias when administering and interpreting test results X communicate effectively with limited English-proficient and disabled students and facilitate their access to all programs and services offered by the district X support students in non-traditional educational and occupational pursuits for their gender Title II, Title VI; Title IX; S. 504; MGL, Ch.76, Section 5

CRITERION NUMBER	
	Legal Standard
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Boston Evening Academy did not provide documentation of counseling materials that are free from bias and stereotyping.

CRITERION NUMBER	
	Legal Standard
MOA 15	<p>Non-discriminatory administration of scholarships, prizes and athletic awards Scholarships, prizes and athletic awards sponsored or administered by the district are free of restrictions based upon race, color, sex, religion, national origin, sexual orientation or disability with the following exceptions:</p> <ul style="list-style-type: none"> X when making athletic awards to members of single sex teams, awards are in proportion to the number of students of each gender participating in interscholastic competition X when accepting outside assistance (i.e. wills, trusts) for awards that would discriminate, the district provides an alternative source of funding to erase the discriminatory effect <p>Title VI; Title IX; S. 504; MGL, Ch.76, Section 5</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 16	<p>Notice to students who have left or are about to leave school without a high school diploma The district provides timely notice in writing (in English and the student’s native language with a copy to parents) to students age 16-21 who have left or are about to leave school without obtaining a high school diploma or its equivalent and which includes the following information:</p> <ul style="list-style-type: none"> a. their attendance is voluntary; b. their right to meet with a school representative to discuss the reasons for withdrawal; c. their rights to return to school; and

CRITERION NUMBER	
	Legal Standard
	d. all program options available to them. MGL, Ch. 76, S.18
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Health Careers Academy did not provide any documentation of notice provided to students who are about to withdraw from school.

CRITERION NUMBER	
	Legal Standard
MOA 17	<p>Codes of conduct and student handbooks</p> <ol style="list-style-type: none"> 1. All school and district codes of conduct and student handbooks contain a nondiscrimination policy based on race, color, sex, religion, national origin, sexual orientation and disability. 2. The district has complaint resolution procedures that include the disciplinary measures that may be imposed upon students who harass or discriminate. 3. The principal of each school ensures that the district and school codes of conduct are distributed annually to students, parents and school personnel. <p>Title VI, Title IX, Section 504, MGL, Ch.76, Section 5</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 17A	<p>Use of physical restraint on any student enrolled in a publicly funded education program</p> <ol style="list-style-type: none"> 1. The district has developed and implemented staff training at least annually on the use of restraint consistent with regulatory requirements. 2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Education regulations in order to prevent or

CRITERION NUMBER	
	Legal Standard
	<p>minimize any harm to the student as a result of the use of physical restraint.</p> <p>3. The district has developed written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students.</p> <p>4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department of Education consistent with the regulations.</p> <p>5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations.</p> <p>603 CMR 46.00</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	TITLE 1 V. STUDENT SUPPORT SERVICES
	Legal Standard
TI 15	<p>The program design serves to supplement, not supplant:</p> <ul style="list-style-type: none"> • regular education • special education • transitional bilingual education • services for low incidence limited-English proficient students. <p>200.63 (Federal Register) CFR; 1115 (b)(2)(ii) ESEA, IASA</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 16	Representatives from non-public school and/or Neglected or Delinquent (N or D) facilities are consulted and informed about the availability of Title I services and the priority needs of their schools. 200.10 (a) (Federal Register) CFR
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

The documentation review indicated that Boston Public Schools has not contacted non-parochial private schools regarding the availability of Title I services. Interviews indicated that representatives from private N or D facilities are not consulted and informed about the availability of Title I services.

CRITERION NUMBER	
	Legal Standard
TI 17	The Title I services provided in non-public schools and N or D facilities are equivalent to those provided in public schools and minimize the use of pull-out program models. 1120(a), 200.10 (a) (Federal Register) CFR; 200.11(b) (Federal Register) CFR
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Staff interviews indicated that services in non-public schools are not equivalent to those provided to students in public schools.

CRITERION NUMBER	
	Legal Standard
TI 18	<p>Additional assistance is provided through teacher-parent conferences for any students not meeting the standards to discuss:</p> <ul style="list-style-type: none"> • what the school will do to help the student meet the standards; • what the family can do to help the student improve performance; and • additional assistance for the student at the school or elsewhere in the community. <p>1114(b)(1)(H)(iii)</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

Teacher and parent interviews indicated that district personnel make insufficient efforts to assist families in helping students to improve performance or to provide additional assistance in the community for that purpose.

COMPONENT VI: FACULTY, STAFF AND ADMINISTRATION

The criteria in this component examine whether the district has certified staff, provides supervision of aides and tutors, and provides ongoing professional development in the program areas listed below. Additionally, the component examines whether the district implements an effective system of program leadership and oversight which fosters high standards and performance expectations for all students and staff consistent with the goals of applicable federal and state requirements and Education Reform Act of 1993.
:

- Special Education (Report Issues # SE 50-54)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 18-21)
 - Title I (Report Issues # TI 19-23)

CRITERION NUMBER	SPECIAL EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
SE 50	<p>Responsibilities of the School Principal and Administrator of Special Education Principal:</p> <ol style="list-style-type: none"> <li data-bbox="407 478 1411 976">1. <u>Instructional support.</u> The principal in each of the district’s schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of MGL c. 71B, §2. The principal consults with the Administrator of Special Education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. <li data-bbox="407 982 1411 1514">2. <u>Curriculum Accommodation Plan.</u> The principal implements a curriculum accommodation plan adopted by the district to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systemic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The Plan includes teacher training in (1) analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles; (2) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate such styles; and (3) training in the provision of pre-referral services within regular education, teacher mentoring and collaboration and parental involvement. <li data-bbox="407 1520 1411 1612">3. <u>Coordination with special education.</u> The principal with the assistance of the Administrator of Special Education coordinates the delivery and supervision of special education services within each school building. <li data-bbox="407 1619 1411 1879">4. <u>Educational services in home or hospital.</u> Upon receipt of a physician’s written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services

CRITERION NUMBER	
	Legal Standard
SE 52	<p>Appropriate certifications or other credentials -- related services Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the regular or special classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.</p> <p>State Regulations 28.02(3)</p> <p>Federal Requirements 300.23; 300.24; 300.136</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 53	<p>Use of paraprofessionals</p> <ol style="list-style-type: none"> 1. Paraprofessionals and assistants (e.g., teacher aides, tutors and student teachers) are appropriately trained to assist in providing special education or related services. 2. Persons employed as paraprofessionals and assistants do not design instruction for students with disabilities but are expected to implement instruction under the supervision of an appropriately certified or licensed professional who is proximate and readily available to provide such supervision. <p>State Regulations</p> <p>Federal Requirements 300.136(f)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
SE 54	<p>Professional development regarding special education</p> <ol style="list-style-type: none"> 1) The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings which at a minimum include the following training topics offered on an annual basis: 2) state and federal special education requirements and related local special education policies and procedures; 3) confidentiality of student records; 4) training in analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles; 5) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning needs of all students in the regular classroom; 6) training in the provision of pre-referral services within regular education, teacher mentoring and collaboration and parental involvement; 7) training for all locally hired <u>and</u> contracted transportation providers on the unique needs of all students being transported in regular and special transportation vehicles; and 8) in cooperation with the special education parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws and makes written materials explaining such rights available upon request. <p>State Regulations Chapter 71, sec. 38g 28.03(1)(a) Chapter 71, sec. 38Q and 38Q ½ as amended by FY '01 State Budget Out Side Sections 146 and 147</p> <p style="text-align: right;">Federal Requirements 300.382</p>
	<p>Rating: Implemented District Response Required: No</p>

The following Civil Rights findings are based upon the review of the district's two Horace Mann Charters, Health Careers Academy and Boston Evening Academy, only.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
MOA 18	<p>School district employee recruitment activities The district's employee recruitment activities are aimed at reaching all groups, including bilingual/bicultural persons, females/males in nontraditional roles and persons with disabilities. When certain categories of employment show a disproportionate number of females/males, racial and ethnic group members or disabled persons, the district makes efforts to recruit for such positions members of the under represented groups.</p> <p>Title I, Title VI, Title IX, S. 504</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
MOA 19	<p>Employment application and interview procedures Job application forms and interview questions conform to requirements regarding pre-employment inquiries of a candidate's race, ethnicity, age, marital and parental status, national origin, physical attributes, religious background, health, health history and physical or mental condition.</p> <p>Title I, Title VI, Title IX, S. 504</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
MOA 20	<p>Non-discriminatory personnel policies and procedures District personnel policies and procedures are free of discrimination and bias in the following areas:</p> <ul style="list-style-type: none"> X employee hiring, upgrading, award of tenure, demotion, return from layoff and retirement are the same for both sexes X employee pay schedules and rates of other compensation for all job categories provide equal pay for equal work

CRITERION NUMBER	
	Legal Standard
	X fringe benefits for all job categories such as medical, dental, insurance, leave (sick, personal, professional, parental, dependent care, bereavement) etc. are the same for all employees. Title I, Title VI, Title IX, S. 504
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
MOA 21	Staff training regarding civil rights responsibilities The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of disability, race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting. Title VI, Title IX, S. 504, MGL, Ch. 76, Section 5
	Rating: Implemented District Response Required: No

CRITERION NUMBER	TITLE 1 VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
TI 19	All professional staff providing Title I services are appropriately certified or hold current waivers for their job title and function. Chapter 71, 38G
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

The documentation review indicated that not all Title I staff are certified or have requested a waiver from the Department of Education.

CRITERION NUMBER	
	Legal Standard
TI 20	Teacher aides work under the direct supervision and in close proximity of certified teachers who are employed in that capacity. 1119 (I)(1)(c) ESEA,IASA
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 21	Professional development activities: <ul style="list-style-type: none"> • support instructional practices that are conducive to the high achievement and challenging content expectations of the state's education reform efforts (e.g., Curriculum Frameworks); and • are provided to all of the district's instructional staff who serve Title I eligible students. 1119 (b)(1)(A) ESEA,IASA
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

This criterion is implemented within Boston Public Schools; however, the district does not provide opportunities to the staff from N or D facilities to participate in professional development activities.

CRITERION NUMBER	
	Legal Standard
TI 22	Title I professional development activities are designed by principals, teachers, and other school staff to ensure that Title I students' needs are addressed. The district devotes sufficient resources to effectively carry out its responsibilities for professional development. 1119 (a)(2) ESEA,IASA; 1114(b)(1)(H)(i).
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 23	<p>Each school identified to be in need of improvement, as part of its school improvement plan, improves the skills of its staff by providing effective professional development activities and by devoting to such activities, over a period of 2 consecutive years, an amount equivalent to 10% of the Part A funds received by the school during 1 fiscal year (or otherwise document how the school is effectively carrying out professional development activities. Decisions about the use of these funds are made by teachers, principals, and other school staff in that school.</p> <p>1116(c)(3)(A)(i), (ii), and (C) ESEA, IASA</p>
	<p>Rating: Implemented District Response Required: No</p>

COMPONENT VII: SCHOOL FACILITIES

The criteria in this component examine whether the district maintains facilities that are conducive to learning, facilitate integration, and provide equal access and opportunity for students to achieve in the program areas listed below:

- Special Education (Report Issues # SE 55)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 22-23)

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES
	Legal Standard
SE 55	<p>Special education facilities and classrooms</p> <ol style="list-style-type: none"> 1. The school district provides facilities and classrooms for eligible students which maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each child’s IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; and 4. are given the same priority as general education programs for access to and use of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students. <p>State Regulations 28.03(b)</p> <p>Federal Requirements Section 504 of the Rehabilitation Act of 1973</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Education Findings:

Observations conducted by the onsite team showed that Charlestown High School has clustered special education classrooms. The one special education classroom for autistic students, on the first floor, is not equal in all physical respects to regular education classes at Charlestown High. South Boston High School has clustered classrooms on the basement level. Hyde Park High has a special education classroom with acoustic distractions due to the ventilation system. The Burke’s resource room is too small to accommodate the classes assigned to it during instructional periods, in addition to having poor ventilation.

The following Civil Rights findings are based upon the review of the district’s two Horace Mann Charters, Health Careers Academy and Boston Evening Academy, only.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VII. SCHOOL FACILITIES
	Legal Standard
MOA 22	<p>Accessibility of district programs and services for students with limited physical mobility</p> <p>In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational programs and services offered at each level (preschool, elementary and secondary).</p> <p>Title II of the Americans with Disabilities Act; S. 504; MGL, Ch. 71B; Individuals with Disability Act (IDEA-97)</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
MOA 23	<p>Comparability of facilities and programs Where the district provides separate facilities or programs for members of a specific group, facilities and programs are comparable to those offered other students in the district, including:</p> <ul style="list-style-type: none"> X separate classes and facilities for disabled, limited English-proficient or pregnant students that are comparable to the facilities, programs, equipment and services offered other students in the district; X changing rooms, showers and other facilities for students of one gender that are comparable in size, number and location to those provided students of the other gender. <p>Title II, Title VI, Title IX, S. 504, MGL, Ch. 76, Section 5</p>
	<p>Rating: Implemented District Response Required: No</p>

COMPONENT VIII: PROGRAM PLAN AND EVALUATION

The criteria in this component examine whether the district has written programs plans that are evaluated according to specific regulatory requirements and whether parents have opportunities for input on needs, program implementation, evaluation, and improvement in the program areas listed below:

- Special Education (Report Issue # SE 56)
- Civil Rights Methods of Administration (MOA) (Report Issues MOA 24-25)
 - Title I (Report Issues # TI 24-26)

CRITERION NUMBER	SPECIAL EDUCATION VIII. PROGRAM PLAN AND EVALUATION	
	Legal Standard	
SE 56	<p>Special education programs and services are evaluated</p> <ol style="list-style-type: none"> 1. Special education programs, services and administrative areas are regularly evaluated. 2. The district develops methods for determining the effectiveness of programs in assisting students with disabilities to achieve the goals set forth in their IEPs in the least restrictive environment. 3. The district uses information it gathers from annual IEP reviews to measure the effectiveness of special education programs, and identifies programs, services and administrative areas that need improvement or must be developed. 4. As part of these evaluation procedures, the district measures the success of programs based on students' local and statewide assessment results, drop out rates and graduation rates for special education students. <p>State Regulations Chapter 71B Chapter 71, sec. 59C</p> <p>Federal Requirements 300.137</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

The district has developed a rigorous process for assessing quality and effectiveness across program areas. The district's self-accountability system, the In-Depth Review (IDR), is well structured and uses citywide learning standards, the district's Whole School Improvement Plan and teaching and learning reports to measure effectiveness. In addition to identifying strengths and weaknesses, it actively seeks to remedy problems within schools and programs that are not meeting the standards established by the district. The rubrics for measuring program and school effectiveness incorporate various methodologies for collecting objective data and are designed to ensure consistency in the rating of the six main essentials identified in the district's Whole School Improvement Plan. But the district is not effectively evaluating the quality of progress reports distributed to parents, nor does it use information obtained from IEP annual reviews to identify program weaknesses.

The following Civil Rights findings are based upon the review of the district's two Horace Mann Charters, Health Careers Academy and Boston Evening Academy, only.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VIII. PROGRAM PLAN AND EVALUATION	
	Legal Standard	
MOA 24	<p>Curriculum review process</p> <p>The district has a process to ensure that teachers in the district regularly review all instructional and educational materials for simplistic and demeaning generalizations,</p>	

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION VIII. PROGRAM PLAN AND EVALUATION
	Legal Standard
	lacking intellectual merit on the basis of disability, race, color, sex, religion, national origin and sexual orientation. MGL, Ch.76, Section 5
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

There was no indication in the curriculum review process of either Health Careers Academy or Boston Evening Academy that teachers review existing or new educational materials to ensure such materials are free from demeaning portrayals made on the basis of race, color, sex, religion, national origin or sexual orientation.

CRITERION NUMBER	
	Legal Standard
MOA 25	Institutional self-evaluation The district has in place a comprehensive evaluation process to examine and remedy policies and programs that discriminate or limit educational access due to race, color, sex, religion, national origin, sexual orientation, or disability. Title VI; Title IX; S. 504; MGL, Ch.76, Section 5
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Documentation from Health Career Academy and Boston Evening Academy indicated that while institutional self-evaluations occur, they do not specifically address the requirements of this criterion.

CRITERION NUMBER	TITLE 1 VIII. PROGRAM PLAN AND EVALUATION
	Legal Standard
TI 24	A needs assessment and data analysis is conducted annually in each school to determine the types of programs and services to be provided to Title I students. Such assessment is conducted in consultation with school staff and parents. 1115 (c)(2)(B); IASA 1114 (b)(1)(A) ESEA,IASA
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

This criterion is implemented within Boston Public Schools; however, interviews of staff indicated that needs assessments are not conducted at the private schools where Title I services are provided.

CRITERION NUMBER	
	Legal Standard
TI 24A	The effectiveness of the Title I program/services at each school is evaluated on at least an annual basis, and Title I program changes are implemented which reflect the recommendations of this evaluation. The Title I Schoolwide Plan is integrated into the school's Improvement Plan. 1115 (c)(2)(B)ESEA, IASA
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

This criterion is implemented within Boston Public Schools, however; interviews of staff indicated that at the private schools Title I services are not evaluated at least annually.

CRITERION NUMBER	
	Legal Standard
TI 25	Each Title I school identified in need of improvement develops an improvement plan in consultation with parents, the district, and the school support team, or revises its school plan in a manner that demonstrates the greatest likelihood of improving the performance of participating children. 1116(c)(2)(C)(i) ESEA, IASA
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 26	For districts with one or more Title I schools identified as in need of improvement, the district: <ul style="list-style-type: none">• provides technical or other assistance as the school develops and implements or revises its school improvement plan. (Such technical assistance may be provided directly or by other entities with experience in helping schools improve

CRITERION NUMBER	
	Legal Standard
	<p>achievement.);</p> <ul style="list-style-type: none"> • (for the 2002-2003 school year) implements corrective action in the identified school during the third year following identification, if the school continues to fail to make adequate yearly progress (e.g., withhold funds, revoke authority to operate a schoolwide program, reconstitution of school staff, etc.); and • provides as many students as possible in an identified school with the opportunity to transfer to another school in the district not in need of improvement. <p>1116(c)(4) and (5) ESEA, IASA 2763A-32 of P.L. 106-554 (Education Appropriations Act, 2001)</p>
	<p>Rating: Implemented District Response Required: No</p>

COMPONENT IX: RECORD KEEPING

The criteria in this component examine whether the district maintains required records and documentation for the program areas listed below:

- Special Education (Report Issues # SE 57-58)
 - Title I (Report Issues # TI 27-29A)

CRITERION NUMBER	SPECIAL EDUCATION IX. RECORD KEEPING	
	Legal Standard	
SE 57	<p>Special education child count</p> <ol style="list-style-type: none"> 1. A child count is maintained representing students with current, accepted IEPs who are provided, at a minimum, direct special education and/or related services to each student. The count is filed as part of annual school report by December 1 of each school year and provides an unduplicated listing of the number of students with IEPs in each program and does not reveal the identity of individual students or their parents. 2. The child count also includes students with disabilities determined eligible for special education who are attending private schools at private expense and are receiving publicly funded services according to IEPs developed by the district. 3. The district does not include as part of its special education child count students who are determined by the Department to be erroneously classified as eligible to be counted under federal or state special education requirements or who are no longer receiving special education and/or related services. <p>State Regulations 603 CMR 23.00</p> <p>Federal Requirements 300.750-754; 300.145; 300.560-300.577; Family Educational Rights and Privacy Act (FERPA); 300.133</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Education Findings:

The onsite review team found that the district has procedures to follow up on unsigned student IEPs; however, the review team noted that some IEPs contained within the student records were unsigned, indicating that the district's procedures are not being consistently followed.

CRITERION NUMBER	SPECIAL EDUCATION IX. RECORD KEEPING	
	Legal Standard	
SE 58	<p>Federal Special Education Entitlement Grant</p> <ol style="list-style-type: none"> 1. The district's Special Education entitlement grant is designed by appropriate local administrators who are responsible for the implementation of the local special education programs and services. 2. Where necessary, appropriate local administrators amend the programmatic and budgetary sections of the grant according to procedures and timelines required by the Department of Education. 3. Appropriate local administrators monitor the entitlement grant in an ongoing manner to ensure its full implementation as the Department of Education has 	

CRITERION NUMBER					
	Legal Standard				
	<p>approved it.</p> <p>4. The district has secured the approval of the Department of Education for all amendments prior to their implementation.</p> <p>5. The district spends at least a proportionate share of its federal special education funds on services for children enrolled in private schools at private expense.</p>				
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">State Regulations</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>28.03(1)(e)</td> <td>300.230; 300.340-300.500</td> </tr> </table>	State Regulations	Federal Requirements	28.03(1)(e)	300.230; 300.340-300.500
State Regulations	Federal Requirements				
28.03(1)(e)	300.230; 300.340-300.500				
	Rating: Implemented District Response Required: No				

CRITERION NUMBER	TITLE 1 IX. RECORD KEEPING
	Legal Standard
TI 27	<p>For each split-funded staff member, the district maintains an appropriate log (time and efforts record) verifying the time actually spent on Title I activities.</p> <p>200.63 (Federal Register) CFR</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
TI 28	<p>Documentation is on file at the local Title I office verifying comparability and the district is in compliance with such comparability.</p> <p>1120 (A)(c)(3)(B) ESEA, IASA</p>
	Rating: Partially Implemented District Response Required: Yes

Department of Education Findings:

Documentation review indicated that not all schools are compliant with comparability requirements.

CRITERION NUMBER	
	Legal Standard
TI 29	<p>The district has submitted all required reports to the Department of Education including the Local Title I Plan/Application and Performance and Achievement Report.</p> <p>The district maintains appropriate Title I records in a central location or at each Title I school and keeps correspondence on file, including documentation for identifying schools eligible for Title I services (Target Area Selection), and the form for determining school allocations.</p> <p>Information is made available to the Department regarding the allocation of Title I funds to schools and the rank order list and student selection criteria determined by the district.</p> <p>ESEA 1116 (d)(1)(A), 1111(b)(2)(A)(ii), 1120A(c)(2)</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
TI 29A	<p>Federal Title I Grant:</p> <p>The district’s Title I grant is designed by appropriate local administrators who are responsible for the implementation of the local Title I programs and services.</p> <p>Where necessary, appropriate local administrators amend the programmatic and budgetary sections of the grant according to procedures and timelines required by the Department of Education.</p> <p>Appropriate local administrators monitor the grant in an ongoing manner to ensure its full implementation as the Department of Education has approved it.</p> <p>The district secures the approval of the Department of Education for all amendments prior to their implementation.</p>
	<p>Rating: Implemented District Response Required: No</p>

APPENDIX: SCHOOL DISTRICT PROFILE INFORMATION

The school district information which is provided in this Appendix was drawn from data supplied by the school district. The Department's visiting team carefully reviewed this data as part of its planning for the onsite visit and in preparing this Coordinated Program Review Report. The information is periodically updated by the school district and is available in an evercurrent form on the Department's Internet web site at <http://profiles.doe.mass.edu/>. More detailed information on each school within the district is also available at this Web site.

School and District Profiles

Definitions of Terms

Profiles

The Massachusetts Department of Education collects information about schools and districts. Some of the information collected is published in School and District Profiles on DOE web pages. The information provides a snapshot of the educational picture in communities across the state.

Now districts view, add, update and delete their own district and school information over the web to make sure that the information is as up-to-date and accurate as possible. In addition, the general public will be able to view Directory information about each school district in the state. Individuals can retrieve for themselves information such as school personnel, school programs (e.g. School Choice and TBE) and the location of specialized services such as Special Education Collaboratives, and Vocational Training Programs. The list below provides an explanation of information presented in the Profiles.

Directory Information

DOE Code: The DOE Code, also referred to as the Organization Code, is an eight digit numeric code assigned by the Massachusetts Department of Education to every organization listed in the Directory Profiles, including every district and school in the Commonwealth. For districts and schools, the first four digits represent the District Code and the last four digits represent the School Code. Thus the organization code "02660505" stands for "0266" (Sharon Public Schools) + "0505" (Sharon High). If a form requires the 8-digit DOE school code it is calling for the entire organization code.

Prior to the 2001 school year, organization codes contained six digits (three for the district and three for the school.) With the exception of some special needs schools, the eight digit codes are the same as the six digit codes with one zero added before the district code and another zero added before the school code. Thus, Sharon High's old six digit organizational code was 266505.

Please Note: The Department's Organization Code is not the same as the Institution codes assigned by the College board for SAT and AP results. Nor is it the same as the NCES code assigned to Massachusetts schools by the U.S. Department of Education.

Grades/Schools*: indicates the number and grade range of elementary, middle/junior high and high schools in the district, as well as the total number of schools in the district and the grade range of the school system. An elementary range beginning with "PK" indicates the district has pre-kindergarten. A high school range ending in "13" or "14" indicates the district has a post-graduate program. Kindergarten starting age indicates the age as of a particular date at which children are eligible to begin kindergarten.

Services: Services include:

- **Inter-district Choice:** indicates whether students from other districts may enroll in the district through the state school choice program, which is voluntary and on a space-available basis.
- **Intra-district Choice:** indicates whether the district has a school choice program within the school district for students who live in the district.
- **Vocational Education:** indicates whether the district operates a Chapter 74 approved vocational education program.
- **Transitional Bilingual Education (TBE):** indicates whether the district operates a TBE program. Under Massachusetts law, a district must provide a TBE program in a particular language if there are 20 or more limited English proficient students in that particular language group enrolled in the district. Limited English proficient students are students whose first language is not English and who cannot perform ordinary class work in English.
- **METCO:** indicates whether the district participates in the state METCO program, which promotes voluntary desegregation by enrolling minority students from Boston and Springfield in suburban schools.

Relationships: Relationships include:

- **Member of Regional Districts*:** for local school districts, indicates the name(s) of any academic and/or vocational regional district(s) of which the local school district is a member. For regional school districts, indicates the names of member local school districts. A regional school district provides educational services to more than one town.

* District level data only.

Enrollment

Enrollment by Grade: indicates the enrollment for grades Pre-kindergarten (PK), kindergarten through 12, post-graduate grades 13 and 14, and ungraded (u/g) students for the listed school year.

Race/Ethnicity: indicates the percent of enrollment by race/ethnicity for the listed school year. The reporting categories are those used by the U.S. Bureau of the Census.

Selected Populations: indicates the percent of enrollment represented by students in special education programs*, students who are limited English proficient, and students eligible to receive free or reduced price lunch*. Data are for the listed school year.

Children Attending Public Schools*: indicates the percent of school-age children in a city or town attending public schools, for the listed school years.

* District level data only.

Test Results

Massachusetts Comprehensive Assessment System (MCAS): Click the MCAS link to see MCAS results for the district or school.

For additional information about Massachusetts Comprehensive Assessment System (MCAS), please refer to the Department of Education's MCAS web site at www.doe.mass.edu/mcas.

SAT: The district or school's SAT results are displayed for the listed years.

People

A list of people who work in the organization. Each name is linked to contact information for the person.

Finance

Per Pupil Expenditures*: are calculated by dividing a district's operating costs by its average pupil membership. Operating costs include expenditures for administration, instruction, pupil services, transportation, plant maintenance, and fixed charges. These costs do not include capital outlay and long-term interest on school debt.

Average pupil membership includes students who receive services in the district's schools, as well as students receiving home or hospital instruction. Data for regular education, special education, bilingual education and vocational education students are provided in addition to the total for all day programs, for the listed school years.

Teacher Salary*: indicates the minimum and maximum teacher salaries available, for the listed school years.

Foundation Budget Spending Comparison*: The education reform act established a foundation budget for each school district. This budget represents the minimum level of spending needed to provide an adequate education for the district's students. The foundation budget is made up of 19 separate categories. The chart shows the district's actual spending in each category for the listed school year as a percentage of the district's foundation budget. If the percentage exceeds 100%, the district spent more in the category than suggested by the foundation budget. If the percentage is less than 100%, the district spent less. Significant variations between local spending and the foundation budget, or between local spending and the statewide averages, should be reviewed closely. In some cases, the differences may be due to unique circumstances and needs within the district. In other cases, the differences may suggest potential areas for review and improvement.

Click one of the links in the Finance section for more school finance information.

* District level data only.

Other Data

Dropout/Attendance Rates: indicates the percentage of students in grades 9-12 who dropped out of school between July 1 and June 30 prior to the listed year and who did not return to school by October 1. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school.

Attendance Rate: indicates the average percentage of enrolled students present in school for the listed school year.

Student Exclusions: indicates the number of student exclusions that occurred during the listed school year. An exclusion is defined as the removal of a student for disciplinary purposes permanently, indefinitely or for more than ten consecutive school days.

Plans of High School Graduates: indicates the post-graduate intentions of students for the listed school year.

Technology: indicates the number of students for every one computer and the percent of classrooms with Internet access. Data are for the listed school year; "DNR" appears for schools and districts which did not yet report data

The electronic version of this profile information is available at:

<http://profiles.doe.mass.edu/home.asp?mode=ot&view=&ot=5>

SE, MOA, TI

File Name: Boston Public Schools Coordinated Program Review Draft Report
2002.doc

Last Revised on: October 28, 2002

Prepared by: DLP, POM; CS