



The Commonwealth of Massachusetts Department of Education

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June 15, 2004

Dr. Claudia Bach, Superintendent
Andover Public Schools
36 Bartlett Street
Andover, MA 01810

Re: Onsite Follow-up Monitoring Report: Coordinated Program
Review Corrective Action Plan Verification and Special Education
Mid-cycle Review

Dear Dr. Bach:

Enclosed is the Department's Coordinated Program Review Follow-up Monitoring Report together with findings regarding your district's Coordinated Program Review Mid-cycle Review. This report contains the Department's findings based on the onsite activities conducted in your school district to verify the implementation status and effectiveness of corrective steps taken in response to your Coordinated Program Review Report issued on April 4, 2001. This report also includes a report on the status of implementation for new state or federal special education requirements enacted since your district's last Coordinated Program Review.

While the Department of Education found certain noncompliance issues to be resolved, others were partially corrected, not addressed at all and/or new issues were identified by the Department's onsite team.

As the Department previously informed you, in cases where a district fails to fully and effectively implement a Corrective Action Plan, which was proposed by your district and approved by the Department, the Department must then prepare a Corrective Action Plan for the district, which must be implemented without further delay. You will find these requirements for corrective action and further progress reporting included in the attached report together with any steps that must be taken by the district to fully implement new special education requirements. Please provide the Department with your written assurance that the Department's requirements for corrective action will be implemented by your school district within the timelines specified. Your statement of assurance must be submitted to the Department's Onsite Chairperson by **July 15, 2004**.

Your staff's cooperation throughout these Follow-up Monitoring activities is appreciated. Should you require additional clarification of information included in our report, please do not hesitate to contact the Onsite Team Chairperson at 781-338-3707.

Sincerely,

Nina Callahan, Coordinated Program Review Follow-up Chairperson
Program Quality Assurance Services

John D. Stager, Administrator
Program Quality Assurance Services

c: David P. Driscoll, Commissioner of Education
Anthony James, School Committee Chairperson
Susan O'Brien, District Program Review Follow-up Coordinator

Encl.: Follow-up Monitoring Report

**MASSACHUSETTS DEPARTMENT OF EDUCATION
COORDINATED PROGRAM REVIEW**

Andover Public Schools

**ONSITE VERIFICATION OF CORRECTIVE ACTION PLAN IMPLEMENTATION
AND/OR IDENTIFICATION OF ADDITIONAL FINDINGS REQUIRING CORRECTIVE ACTION**

Action Plan Submitted on March 21, 2001

Progress Reports Submitted on December 14, 2001, February 19, 2002, June 28, 2002,
December 19, 2002, July 16, 2003, December 23, 2003

Onsite Visit Conducted on March 11, 12, 2004

Date of this Report June 15, 2004

Criterion Number and Topic	Implementation Status of Requirements or Any Required Corrective Action Plan Determined to be <u>Substantially Implemented</u>	Method(s) of Verification	Comments Regarding Implementation of Requirements	Corrective Action Plan Determined to be <u>Not Fully Implemented</u> or <u>Additional Issues Identified</u>	Findings Regarding Incomplete Implementation of Approved Corrective Action Plan or Identification of Additional Issues of Noncompliance	Further Corrective Action Ordered by the Department of Education and Timelines for Implementation and Further Progress Reporting
Special Education Requirements	√			√		

<p>SE 1 Assessments are appropriately selected and interpreted for students referred for evaluation</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that the assessments are appropriately selected and interpreted for students referred for evaluation.</p>			
<p>SE 2 Required and Optional Assessments</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that required and Optional Assessments are completed.</p>			

<p>SE 4 Report of Assessment Results</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year where evaluators were recommending the amount of service to be provided was corrected.</p>			
<p>SE 5 Participation in General State and District-wide Assessment Program</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding the required IEP Addendum has been corrected.</p>			

<p>SE 6 Determination of transition services</p>	<p>Partial</p>	<p>Record and Document Review</p>		<p>Partial</p>	<p>Review of records indicated that <u>district does not-IEP 3 does not</u> consistently check off “Age Specific Considerations” where appropriate <u>on IEP 3</u>. In addition IEP 3 does not consistently include the required elements regarding services to promote movement of the student from school to post-secondary education, vocational training, etc. or transition services based upon the student’s preferences and interests (See SE 6 criterion #2 and 3 for complete language).</p>	<p>By September 30, 2004 conduct training for appropriate staff regarding the requirements and provide the Department with a copy of the agenda, date(s) and the sign-in sheet with staff name and title/role. <i>A Statement of Assurance</i> must be provided by July 15, 2004</p>
<p>SE 7 Transfer of Parental Rights at Age of Majority and Student Participation and Consent at Age of Majority</p>	<p>Partial</p>	<p>Record Review</p>		<p>Partial</p>	<p>Review of records indicated that the Team is not consistently the <u>completing the</u> appropriate <u>information for category</u> on the “If a 18 or older” section on the IEP Administrative Data Sheet.</p>	<p>By September 30, 2004 conduct training for appropriate staff regarding the requirements and provide the Department with a copy of the agenda, date(s) and the sign-in sheet with staff name and title/role. <i>A Statement of Assurance</i> must be provided by July 15, 2004</p>

SE 8 Evaluation Team composition	√	Record Review	Onsite review of student records demonstrated that the evaluation team is appropriately constituted.			
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<p>SE 9 Eligibility Determination: Timelines for Evaluation provision of IEP and/or identification of other needed instructional programs</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding not meeting the 45 day times lines was corrected.</p>			
<p>SE 10 End of School Year Evaluations</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding postponing evaluations until the following school year for referrals received 30-45 days before the end of the year was corrected.</p>			
<p>SE 11 School District Response to parental Request for Independent educational evaluation</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that the district has implemented the requirements for responding to a parental request for Independent educational evaluation.</p>			

<p>SE 12 Frequency of Re-Evaluation</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding completing three-year reevaluations as required has been corrected.</p>			
<p>SE 13 Progress Report and Content</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding the requirement that progress reports contain information on the extent to which progress on the annual goal is sufficient to enable the student to achieve the goal by the end of the year was corrected.</p>			
<p>SE 14 Annual Review Team Meeting</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding completing annual reviews prior to the expiration of an IEP as required has been corrected.</p>			

<p>SE 18A IEP development and content</p>	<p>Partial</p>	<p>Record Review</p>		<p>Partial</p>	<p>Review of records indicated that <u>the district does not -IEP 3 does not</u> consistently check off “Age Specific Considerations” where appropriate <u>on IEP 3</u>. In addition IEP 3 does not consistently include the required elements regarding services to promote movement of the student from school to post-secondary education, vocational training, etc. or transition services based upon the student’s preferences and interests (See SE 6 criterion #2 and 3 for complete language).</p>	<p>By September 30, 2004 conduct training for appropriate staff regarding the requirements and provide the Department with a copy of the agenda, date(s) and the sign-in sheet with staff name and title/role. <i>A Statement of Assurance</i> must be provided by July 15, 2004</p>
<p>SE 18B Determination of placement; immediate provision of IEP to parent</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the findings noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding the development of an IEP and not meeting the 45 day times lines were corrected.</p>			

<p>SE 19 Extended Evaluation</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the findings noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding the use of “diagnostic” IEPs has been corrected.</p>			
<p>SE 20 Least restrictive program selected</p>	<p>Partial</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the least restrictive educational setting is selected, however, the statement regarding removal from the general education classroom did not state why the removal is considered critical to the student’s program and the basis for it conclusion that the education of the student in a less restrictive environment, with supplementary aids and services, could not be achieved satisfactorily.</p>	<p>Partial</p>	<p>The statement regarding justification for the removal of the student <u>from</u> the general education classroom did not state why the removal is considered critical to the student’s program and the basis for it conclusion that the education of the student in a less restrictive environment, with supplementary aids and services, could not be achieved satisfactorily.</p>	<p>By September 30, 2004 provide the Department with a copy of the training conducted for staff regarding the required information to be included in the statement on an IEP to justify the removal of the student the general education classroom, why the removal is considered critical to the student’s program and the basis for it conclusion that the education of the student in a less restrictive environment, with supplementary aids and services, could not be achieved satisfactorily. The information should include the agenda, date and the names with title/role of staff who attended. <i>A Statement of Assurance</i> must be provided by July 15, 2004</p>

<p>SE 21 School day and school year requirements</p>	<p>Partial</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that the district considers whether eligible students require a school day or school year that is shorter or longer than the regular school day or year and that it complies with the Learning Time Requirements of providing 900 hours at the elementary level in a calendar year. The provision of 990 hours at the secondary level is a matter under consideration as part of a complaint under the PQA “Problem Resolution System” and once the investigation is completed the Corrective Action Plan will be attached as an Addendum to this report.</p>	<p>Partial</p>	<p>Review of documents indicated that the current guidance provided to staff regarding an extended school day/school year appears overly prescriptive and limiting.</p>	<p>By September 30, 2004 provide staff with training and the Department with a copy of the revised guidance and a copy of the agenda, date(s) and the sign-in sheet with staff name and title/role. <i>A Statement of Assurance</i> must be provided by July 15, 2004</p>
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<p>SE 22 IEP implementa- tion and availability</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that the district complies with the IEP implementation and accountability requirements as follows: -the district has an IEP in place at the beginning of the school year for each student; - mutually agreed upon services are provided without delay; <u>-</u> each teacher and provider described in the IEP is informed of their specific responsibilities related to the implementation of the IEP; and implementation of the IEP is not delayed due to lack of space or staff.</p>			<p> </p>
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<p>SE 24 Notice to Parents Regarding Proposal or Refusal to Initiate or Change the Identification, Evaluation, or Educational Placement of the Child or the Provision of FAPE</p>	<p>Partial</p>	<p>Record Review</p>	<p>Onsite record review indicated that the district has corrected the findings noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding timelines for written notice.</p>	<p>Partial</p>	<p>Onsite record review indicated that the district does not consistently include page 2 of the N1 form.</p>	<p>By September 30, 2004 provide staff with training and the Department with a copy of the agenda, date(s) and the sign-in sheet with staff name and title/role. <i>A Statement of Assurance</i> must be provided by July 15, 2004</p>
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<p>SE 25 Parental Consent</p>	<p>√</p>	<p>Record Review</p>	<p>Onsite review of student records demonstrated that the findings noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding obtaining parental consent has been corrected.</p>			
<p>SE 26 Parent participation in meetings</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that the district ensures that one or both parents are members of the group that makes decisions on educational services and placement, that meetings are in writing and scheduled early enough to ensure parent participation and that meetings are scheduled at a mutually agreed upon time and place.</p>			

<p>SE 28 Parent provided the IEP or notice of no eligibility together with notification of procedural safeguards and parent's rights</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records demonstrated that the findings noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding immediately following the development of an IEP or finding of no special needs that notice is provided without undue delay together with the procedural safeguards and parent's rights.</p>			
<p>SE 29 Communications are in English and the Primary Language of the Home</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that the district has implemented the requirements for ensuring, where appropriate, that communications are in both English and the primary language of the home.</p>			
<p>SE 32 Parent advisory council for special education</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of documents demonstrated that the criterion regarding establishing PAC, by-laws, advising the school committee on special education and the required annual workshop is implemented.</p>			

<p>SE 33 Involvement in the general curriculum</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records demonstrated that the district has aligned its curriculum with the Massachusetts Curriculum Frameworks, that at least one member of the Team is familiar with the Frameworks such that they can discuss the student's access to the general curriculum, the district ensures that student's with disabilities have access to the general curriculum, and that the IEP documents the student's participation in the general curriculum.</p>			
<p>SE 34 Continuum of Alternative Services and Placements</p>	<p>√</p>	<p>Document Review</p>	<p>The district demonstrated that it has taken steps to address the concerns noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding occupational/vocational opportunities.</p>			
<p>SE 35 Specialized materials and assistive technology</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records demonstrated that the district has implemented the requirements of this criterion.</p>			

<p>SE 37 Procedures for approved and unapproved out-of-district placements</p>	<p>Partial</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that the district has corrected the finding noted in the Coordinated Program review conducted in the 2000-2001 School year. The district has written contracts with public and private out-of-district placements that meet the content requirements of 28.06(3)(f)(1-5), has a monitoring plan and documents in writing all monitoring conducted. It is suggested that the district delete it reference to “unapproved” programs where it is not applicable.</p>			
<p>SE 38 Educational Services in Institutional Settings (ESIS)</p>			<p>At thee time of the Mid-cycle review there were no ESIS students.</p>			

<p>SE 42 Programs for young children three and four years of age</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records demonstrated that the district has corrected the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding writing “diagnostic” IEPs has been corrected.</p>			
<p>SE 48 FAPE (Free, appropriate, public education): Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education</p>	<p>√</p>	<p>Record and Document Review</p>	<p>Onsite review of student records and documents demonstrated that all students receiving special education, regardless of placement, have an equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs as well as regular education as appropriate. In addition, the district demonstrated that it has taken steps to address the concerns noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding occupational/vocational opportunities.</p>			

<p>SE 49A Special Transportation</p>	<p>Partial</p>	<p>Record Review</p>		<p>Partial</p>	<p>Where special transportation was noted on the IEP the district did not consistently indicate special equipment or modifications.</p>	<p>By September 30, 2004 provide the Department with evidence that the district has conducted training regarding the requirements of this criterion. Provide a copy of the agenda, dates and staff who attended with title and role. <i>A Statement of Assurance</i> must be provided July 15, 2004</p>
<p>SE 50 Responsibilities of the School Principal and Administrator of Special Education</p>	<p>√</p>	<p>Document Review</p>	<p>Onsite review of documents indicated the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding the lack of a regular education teacher on Instructional Support Teams has been corrected.</p>			
<p>SE 53 Use of Paraprofessionals</p>	<p>√</p>	<p>Document Review</p>	<p>Onsite review of documents indicated the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding training for paraprofessional has been corrected.</p>			

<p>SE 54 Professional development regarding special education</p>	<p>Partial</p>	<p>Document Review</p>		<p>Partial</p>	<p>Onsite review of documents demonstrated that the district has not fully corrected the finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding the provision of training in all the required areas under this criterion.</p>	<p>By September 30, 2004 provide the Department with evidence that the district has conducted training for all staff regarding special education state and federal laws/regulations, diverse learners and the annual PAC workshop. <i>A Statement of Assurance</i> must be provided by July 15, 2004</p>
<p>SE 55 Special Education facilities and classrooms</p>	<p>Partial</p>	<p>Onsite Site Review</p>		<p>Partial</p>	<p>Onsite review demonstrated that the district has not corrected the finding noted in the 2000-2001 school year <u>CPR regarding</u> the use of the same classroom for two teachers with two instructional groups at the same time.</p>	<p>By September 30, 2004 provide the Department with evidence as to how the district will correct this concern. <i>A Statement of Assurance</i> must be provided July 15, 2004</p>
<p>SE 56 Special education programs and services are evaluated</p>	<p>√</p>	<p>Document Review</p>	<p>Onsite review of documentation demonstrating that finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding a program evaluation had been conducted.</p>			

Civil Rights Requirements						
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<p>MOA 1 (MOA 4 in CPR) Identification of limited English proficient students</p>	<p>Partial</p>	<p>Document Review</p>	<p>The district was evaluated for its implementation of the new Chapter 71A ELE requirements. At the time of the mid-cycle the district had limited English proficient students. The district currently employs five full and part time ESL teachers who have the appropriate Massachusetts license and speak a second language (Spanish, Italian, Greek Japanese, French). The district indicated that it screens all students using a Home Language Survey, however, the surveys are in English and need to be translated. The district indicated that it currently uses the LAS for Reading and Writing and the MELA-O to assess the student's English proficiency. The district plans to implement the MEPA in the spring. When a student enters the district it uses the IPT. The district did not include what is the criterion for entry to their English learner education program. The district indicated that children that are identified as limited English proficient will receive "service support" to develop English skills while participating completely in the full education program of the district. If this service is a 21 "tutorial" service it is not allowed under regulations that state that English language learners must be educated in sheltered English instruction (SEI) classrooms. Children</p>	<p>Partial</p>	<p>The district did have not completed the required self-assessment.</p>	<p>By September 30, 2004 the district must provide to the Department the following:</p> <ul style="list-style-type: none"> - Evidence that the Home Language Survey is available in the family's native language - An explanation of how the district intends to deliver English instruction - A professional development plan for staff that may be responsible for the instruction of limited English proficient students. - The completed self-assessment. <p><i>A Statement of Assurance</i> must be provided by July 15, 2004</p>
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<p>MOA 2 (MOA 5 in CPR) Program modifications and support services for limited English proficient students</p>	<p>Partial</p>	<p>Document Review</p>	<p>See MOA 1 for the finding under this criterion.</p>			
<p>MOA 3 (MOA 10 in CPR) Access to Full Range of Educational Programs</p>	<p>√</p>	<p>Document Review</p>	<p>Onsite review of documentation demonstrating that finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding access to a full range of educational programs has been corrected.</p>			
<p>MOA 5A Placement of homeless students</p>	<p>√</p>	<p>Document Review and Staff Interview</p>	<p>At the time of the Mid-cycle Review the district demonstrated through document review and staff interviews that procedures are in place in order to ensure they meet all requirements regarding placement of homeless students.</p>			

<p>MOA 5B Immediate enrollment of homeless students</p>	<p>√</p>	<p>Document Review And Staff Interview</p>	<p>At the time of the Mid-cycle Review the district demonstrated through document review and staff interviews that procedures are in place in order to ensure they meet all requirements regarding immediate enrollment of homeless students.</p>			
<p>MOA 5C Transportation of homeless students to and from the school of origin</p>	<p>√</p>	<p>Document Review And Staff Interview</p>	<p>At the time of the Mid-cycle Review demonstrated through document review and staff interviews that procedures are in place in order to ensure they meet all requirements regarding transportation to and from the school of origin for homeless students.</p>			
<p>MOA 6 (MOA 13 in CPR) Availability of In-School Programs for Pregnant Students</p>	<p>√</p>	<p>Document Review And Staff Interview</p>	<p>Onsite review of documentation demonstrating that finding noted in the Coordinated Program Review conducted in the 2000-2001 school year regarding in-school programs for pregnant students has been corrected</p>			

<p>MOA 10A (MOA 25 in CPR) Handbooks and cods of conduct</p>	<p>√</p>	<p>Document Review</p>	<p>Onsite review demonstrated that the district has corrected the finding noted in the 2000-2001 school year Coordinated Program Review regarding the required nondiscrimination statement/policy has been corrected.</p>			
<p>MOA 11A (MOA 6 in CPR) Designation of liaison/coordina tor(s) grievance procedures</p>		<p>Document Review And Staff Interview</p>	<p>Onsite review demonstrated that the district has corrected the finding noted in the 2000-2001 school year Coordinated Program Review regarding the required grievance procedures has been corrected.</p>			
<p>MOA 12A (MOA 1,2 in CPR) Annual and continuous notification concerning nondiscriminati on and coordinators</p>	<p>√</p>	<p>Document Review And Staff Interview</p>	<p>Onsite review demonstrated that the district has corrected the finding noted in the 2000-2001 school year Coordinated Program Review regarding the notification requirements and the nondiscrimination policy has been corrected.</p>			
<p>MOA 17A Use of physical restraint on any student enrolled in a publicly-funded education program</p>	<p>√</p>	<p>Document Review And Staff Interview</p>	<p>Onsite review of documents and staff interview demonstrated that it implemented the requirements including policies, procedures and training for the use of physical restraint on any student enrolled in a publicly funded education program.</p>			

<p>MOA 21 (MOA 21 in CPR) Staff training regarding civil rights responsibilities</p>		<p>Document Review And Staff Interview</p>	<p>The finding noted in the Coordinated Program Review conducted during the 2000-2001 school year regarding the provision of civil rights training in all required areas has been corrected.</p>			
<p>MOA 22 (MOA 7 in CPR) Accessibility of District Programs</p>	<p>√</p>	<p>Document Review And Staff Interview</p>	<p>Onsite review demonstrated that the district has corrected the finding noted in the 2000-2001 school year Coordinated Program Review regarding accessibility has been corrected.</p>			