



Massachusetts Department of Elementary and Secondary Education

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April 2, 2007

Spencer Blasdale, Director
Academy of the Pacific Rim Charter Public School
One Westinghouse Plaza
Hyde Park, MA 02136

Re: Mid-cycle Coordinated Program Review Report

Dear Director Blasdale:

Enclosed is the Department of Education's Mid-cycle Coordinated Program Review Report (Mid-Cycle Report). This report contains findings based on onsite monitoring conducted to verify the implementation and effectiveness of corrective action approved or ordered by the Department to address findings of noncompliance included in the Academy of the Pacific Rim Charter Public School Coordinated Program Review Report issued on October 19, 2004. The Mid-cycle Report also contains findings based on onsite monitoring of special education compliance criteria that have been created or substantially changed in response to IDEA 2004.

Another component of the Department's Mid-cycle Review is the review of your school district or charter school's self-assessment in the area of English learner education (ELE). (In the remainder of this letter, please read "district" as meaning "school district or charter school.") The purpose of this review is to determine whether your district is implementing the significant changes in M.G.L. Chapter 71A, governing the education of limited English proficient students, that were adopted by voters by means of Question 2 in 2002. The Department has reviewed your district's ELE self-assessment (documentation and any written analysis of compliance) and, based solely on that self-assessment, is providing you in this report with findings on your ELE program and the corresponding corrective action to be implemented. Your district is urged to request technical assistance in relation to any of these findings or this prescribed corrective action from me or from staff in the Department's Office of Language Acquisition and Achievement at 781-338-3534. ELE guidance documents are available on the Department's website at <http://www.doe.mass.edu/ell/>.

While the Department of Education found your district to have resolved certain noncompliance issues, others were partially corrected or not addressed at all, or the Department's onsite team identified new issues of noncompliance, either noncompliance with special education criteria added or substantially changed in response to IDEA 2004, noncompliance with ELE criteria, or other new noncompliance. Where the district has failed to implement its approved Corrective Action Plan, the Department views these findings to be serious.

In all instances where noncompliance has been found, the Department has prescribed corrective action for the district that must be implemented without delay. You will find these requirements for corrective action included in the attached report, along with requirements for progress

reporting. Please provide the Department with your written assurance that all of the Department's requirements for corrective action will be implemented by your district within the timelines specified. You must submit your statement of assurance to me by **April 16, 2007**.

Your staff's cooperation throughout this Mid-cycle Review is appreciated. Should you like clarification of any part of our report, please do not hesitate to contact me at 781-338-3741.

Sincerely,

Jane Ewing, Mid-cycle Review Chairperson
Program Quality Assurance Services

Darlene A. Lynch, Director
Program Quality Assurance Services

c: David P. Driscoll, Commissioner of Elementary and Secondary Education
Peter Falvey, Chairperson
Piel Hollingsworth, District Program Review Follow-up Coordinator

Encl.: Mid-cycle Coordinated Program Review Report

**MASSACHUSETTS DEPARTMENT OF EDUCATION
MID-CYCLE COORDINATED PROGRAM REVIEW REPORT**

ACADEMY OF THE PACIFIC RIM CHARTER SCHOOL

ONSITE MONITORING OF IMPLEMENTATION OF CORRECTIVE ACTION AND OF CERTAIN NEW REQUIREMENTS

Date of Coordinated Program Review (CPR): May 3-7, 2004

Date of Coordinated Program Review Corrective Action Plan Approval:

Dates of Corrective Action Plan Progress Reports: October 4, 2005-September 27, 2006

Dates of this Mid-cycle Review Onsite Visit: February 13, 2007

Date of this Report: April 2, 2007

PLEASE NOTE THAT THIS REPORT IS IN SEVERAL SECTIONS.

Criterion Number/Topic (Refer to full text of 2006-2007 CPR requirements)	Approved Corrective Action Implemented and Effective ✓	Method(s) of Verification	Basis of Determination that Corrective Action was Implemented and has been Effective	Corrective Action <u>Not Implemented</u> or <u>Not Effective</u> or <u>New Issues Identified</u> ✓	Basis of Determination that Implementation of Corrective Action was Incomplete or Ineffective or Basis of Finding of New Noncompliance	Required Corrective Action, Timelines for Implementation, and Progress Reporting
Special Ed. Criteria Cited in CPR Report and Monitored in Mid-cycle						
MOA 4 Disproportionality (if Cited in the CPR Report)						
SE 2 Required and optional assessments	Partially implemented	Student records		Not effective	Student records demonstrated that for re-evaluations, the school does not provide educational assessments by a representative of the school, including a history of the student's educational progress in the general curriculum, or assessments by a teacher(s) with current knowledge regarding the student's specific abilities. IDEA 2004 Sec 300.305(a)(1)(ii) requires	The charter school will review with school personnel the re-evaluation requirements, specifically the need for completion of the educational assessment portion. The charter school will provide the Department with its training agenda and attendance sheet by June 1, 2007 . Following the staff training, please conduct a sample review of student records for compliance with re-evaluation assessment requirements.

<p>Criterion Number/Topic (Refer to full text of 2006-2007 CPR requirements)</p>	<p>Approved Corrective Action <u>Implemented and Effective</u> ✓</p>	<p>Method(s) of Verification</p>	<p>Basis of Determination that Corrective Action was Implemented and has been Effective</p>	<p>Corrective Action <u>Not Implemented</u> or <u>Not Effective</u> or <u>New Issues Identified</u> ✓</p>	<p>Basis of Determination that Implementation of Corrective Action was Incomplete or Ineffective or Basis of Finding of New Noncompliance</p>	<p>Required Corrective Action, Timelines for Implementation, and Progress Reporting</p>
					<p>that an evaluation or re-evaluation must have “current classroom based, local, or state assessments and classroom-based observations.” And 603 CMR 28.04(3) requires in part that: “Additionally, every three years, or sooner if necessary, the school district shall, with parent consent, conduct a full three-year reevaluation consistent with the requirements of federal law.”</p>	<p>Report the results of this record review, including the number of records examined and the rate of compliance. Please describe any subsequent activities to be taken to address continuing non-compliance and identify the staff responsible for carrying out these activities. Submit this report to the Department by December 3, 2007.</p>
<p>SE 7 Transfer of parental rights at age of majority</p>	<p>Substantially implemented</p>	<p>Document review and interviews</p>	<p>Written notice of the transfer of parental rights to the student were evident in the student files.</p>			

Criterion Number/Topic (Refer to full text of 2006-2007 CPR requirements)	Approved Corrective Action Implemented and Effective ✓	Method(s) of Verification	Basis of Determination that Corrective Action was Implemented and has been Effective	Corrective Action <u>Not Implemented</u> or <u>Not Effective</u> or <u>New Issues Identified</u> ✓	Basis of Determination that Implementation of Corrective Action was Incomplete or Ineffective or Basis of Finding of New Noncompliance	Required Corrective Action, Timelines for Implementation, and Progress Reporting
SE 18B Provision of IEP to parent	Substantially implemented	Student records	Student records demonstrated that the school consistently provides parents with a summary of the main points of agreement at the conclusion of the Team meeting where the IEP was developed.			
SE 19 Extended evaluation	Substantially implemented	Student records	Student records demonstrated that IEP Teams make eligibility determinations following the presentation of assessment results and used extended evaluation procedures solely for gaining additional information to complete an IEP.			
SE 29 Communications are in English and primary language of home	Partially implemented	Document review, staff interviews		New issue	The school asks families whose first language is not English to sign waivers, waiving their rights to translated documents. While the school may ask parents their preference for English or translated	Please discontinue the use of this waiver with families. Please provide a statement of assurance that APR will no longer use this waiver form with families whose first language is not English, to the Department by June 1, 2007 .

Criterion Number/Topic (Refer to full text of 2006-2007 CPR requirements)	Approved Corrective Action <u>Implemented and Effective</u> ✓	Method(s) of Verification	Basis of Determination that Corrective Action was Implemented and has been Effective	Corrective Action <u>Not Implemented</u> or <u>Not Effective</u> or <u>New Issues Identified</u> ✓	Basis of Determination that Implementation of Corrective Action was Incomplete or Ineffective or Basis of Finding of New Noncompliance	Required Corrective Action, Timelines for Implementation, and Progress Reporting
					documents, they may not ask parents to waive their rights.	
SE 32 Parent advisory council for special education	Substantially implemented	Document review and interviews	The school has an active parent advisory council for special education with established by-laws.			
SE 48 FAPE: Equal opportunity to participate	Substantially implemented	Staff interviews and student records	APR students receiving special education participate equally with their peers in all programming areas available as part of the general education program, including non-academic and extracurricular programs of the school.			
SE 56 Special education programs and services are evaluated	Substantially implemented	Document review	The school regularly evaluates its special education programs, services and administrative areas by surveying parents and teachers at the end of each school year. In addition, the school analyzes its yearly spring MCAS results.			

Criterion Number/Topic (Refer to full text of 2006-2007 CPR requirements)	Approved Corrective Action <u>Implemented and Effective</u> ✓	Method(s) of Verification	Basis of Determination that Corrective Action was Implemented and has been Effective	Corrective Action <u>Not Implemented</u> or <u>Not Effective</u> or <u>New Issues Identified</u> ✓	Basis of Determination that Implementation of Corrective Action was Incomplete or Ineffective or Basis of Finding of New Noncompliance	Required Corrective Action, Timelines for Implementation, and Progress Reporting
			<p>The school plans to disaggregate its MCAS data to analyze the performance of students in special education and to develop a means to analyze trends over several years. A system to evaluate graduation, drop-out rates, internal assessment results, and promotion data for special education students is also planned.</p> <p>School personnel will review results of the data analysis of the Spring 2007 MCAS results during a professional development day next fall.</p>			

Criterion Number and Topic	Criterion Implemented ✓	Method(s) of Verification	Basis of Determination that Criterion was Implemented	Criterion Partially Implemented or Not Implemented ✓	Basis of Determination that Criterion was Partially Implemented or Not Implemented	Required Corrective Action, Timelines for Implementation, and Progress Reporting
Special Education Criteria created or revised in response to IDEA-2004						
SE 6 ##1 - 3 Determination of Transition Services	Partially implemented	Document review, student records, and staff interviews		Partially implemented	<p>APR discusses transition during IEP meetings, but includes information about transition only in the student's vision statement. The school provides summaries of student performance for graduating students that contain transition information.</p> <p>Chapter 688 referrals are completed for eligible students.</p> <p>However, the school does not use the recently mandated transition-planning chart. Although the information on the summary of student performance is complete, these documents are not</p>	<p>*Please note that recently enacted IDEA-2004 regulations have changed the requirements for transition planning. Refer to Administrative Advisory SPED 2007-1 for guidance at http://www.doe.mass.edu/sped/advisories/07_1.html or the Department's guidance on transition planning at http://www.doe.mass.edu/sped/links/transition.html</p> <p>Please provide training to the appropriate staff on transition planning and goal development, including the use of the transition planning charts. Provide documentation of this training, including the date and time of the training, signed attendance sheets, the name(s) of the trainer, and</p>

				<p>required until after the student has graduated and thus cannot be used as a planning guide while the student is still in school.</p> <p>Please see the following links: http://www.doe.mass.edu/news/news.asp?id=3295 and http://www.doe.mass.edu/sped/links/transition.html for Department guidance on transition planning and the use of the transition planning chart.</p> <p>In addition, where it is documented that a student will need such services, the student's IEP should include measurable goals, based on age-appropriate transition assessments, related to postsecondary training, education, and employment, and, where appropriate, to independent living skills and transition services, including courses of study, needed to reach those goals in the IEP.</p>	<p>examples of training materials, to the Department by June 1, 2007.</p> <p>Following the staff training, please conduct a sample review of student records for compliance with transition planning. Report the results of this record review, including the number of records examined and the rate of compliance. Please describe any subsequent activities to be taken to address continuing non-compliance and identify the staff responsible for carrying out these activities. Submit this report to the Department by December 3, 2007.</p>
SE 8 IEP Team composition and attendance	Substantially implemented	Student records and document review	The school has a team member excusal process in keeping with the requirements of IDEA 2004. According to the student record		

			review, Team membership was appropriately constituted, with key service providers and general education teachers in attendance at the meetings.			
SE 12 Frequency of re-evaluation	Substantially implemented	Student records	<p>Student records demonstrated that APR conducts re-evaluations every three years unless the parent and district agreed that it was not necessary.</p> <p>The school also re-evaluates before finding a student no longer eligible for special education and before removing a service.</p> <p>In cases where the parent and school agreed that the evaluation is unnecessary, the school documented in the student's file how the decision was reached.</p>			
SE 13 Progress Reports and content	Substantially implemented	Student records	See the Department's comment to the right.			<p>*Please note that recently enacted IDEA-2004 regulations have now changed the content requirements for IEP progress reports. Refer to Administrative Advisory SPED 2007-1 for guidance. The Department has changed the progress report form and it is now available on the Department's Special Education website at: http://www.doe.mass.edu/sped/iep/eng_toc.html. No further progress reports are required for this criterion.</p>

Criterion Number and Topic	Criterion Implemented ✓	Method(s) of Verification	Basis of Determination that Criterion was Implemented	Criterion Determined to be Partially Implemented or Not Implemented ✓	Basis of Determination that Criterion was Partially Implemented or Not Implemented	Required Corrective Action, Timelines for Implementation, and Progress Reporting
SE 14 Review and revision of IEPs	Substantially implemented	Student records	IEP annual reviews are consistently held before the anniversary date of the IEP; IEPs are revised and reviewed to address student's progress and additional needs identified by the Team.			
SE 25B Resolution of disputes	Substantially implemented	Document review	Although the school has not had to implement this requirement, APR has submitted a statement of assurance to follow the Department's guidelines should the need for resolution occur.			
SE 33 Involvement in the General Curriculum	Substantially implemented	Student records, staff interviews	APR has provided students with disabilities access to essential learning opportunities that prepare the students to reach the state graduation standards by including students in mainstreamed classes. Additionally, at least one member of every IEP Team meeting is familiar with the general curriculum and is able			

			<p>to discuss an eligible student's appropriate access to the general curriculum.</p> <p>APR always documents the student's participation in the general curriculum in the student's IEP.</p>			
<p>SE 39A Procedures for services to eligible private school students whose parents reside in the district</p> <p>(SE 39A does not apply to charter schools or vocational schools)</p>	Not applicable		SE 39A does not apply to charter schools.			

<p>SE 39B Procedures for services to eligible students in private schools in the district whose parents reside out of state</p> <p>(SE 39B does not apply to charter schools or vocational schools)</p>	<p>Not applicable</p>		<p>SE 39B does not apply to charter schools.</p>			
<p>SE 46 Procedures for suspension of students with disabilities more than 10 days</p>	<p>Partially implemented</p>	<p>Document review</p>			<p>Documentation provided by the school is outdated, as the federal regulations for procedures for suspension of students with disabilities beyond 10 days are now Sec. 300.530-537.</p> <p>Additionally, one set of documents is not taken from APR's procedures, as "Rockland High School" appears at the bottom of the documents.</p> <p>These procedures are not consistent with current practices required by law and regulation governing the suspension of students</p>	<p>Please review IDEA 2004 (see link below) and revise APR's procedures to reflect current statutory and legal requirements for students with disabilities who have been suspended beyond 10 days and for providing a manifestation determination: http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C300%2CE%2C</p> <p>Following the school's revision of these procedures, please train key staff on the provisions.</p> <p>Provide the Department with the revised procedures for students suspended beyond 10</p>

				<p>with disabilities beyond 10 days. For example, there is no provision for an “alternative plan” in state or federal laws while the student is placed in an alternative interim educational setting.</p> <p>As for the procedures used by APR in 2006, a student who brings a weapon to school may be placed in an IAES without delay. This does not require consent from the parents. Not only was the interim placement agreement not necessary, but also IEP amendment procedures should not be used to change a student’s placement.</p> <p>If the school decides the student’s behavior is a manifestation of his/her disability, the IEP Team then develops a new IEP and may also determine if a new placement is necessary to implement the IEP.</p> <p>If the parent disagreed with the decision of the “manifestation determination” or with the decision relating to</p>	<p>days and for manifestation determination meetings. Additionally, provide the Department with documentation of the staff training, including the date and time of the training, the name of the trainer, the signed attendance sheet, and examples of training materials, to the Department by June 1, 2007.</p>
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					placement of the student in an interim alternative education setting or any other disciplinary action, the parent has the right to appeal the decision by requesting an expedited due process hearing from the Bureau of Special Education Appeals (BSEA).	
Civil Rights (MOA) and Other General Education Requirements						
MOA 10A Student Handbooks & Codes of Conduct	Partially implemented	Document review			<p>APR's Student Handbook contains the following omissions and/or errors:</p> <ol style="list-style-type: none"> 1) Due process procedures for students with disabilities are not spelled out in the handbook, but require the family or student to contact APR's administration (pp. 22, 42); 2) An incorrect legal reference is given for the due process rights for the expulsion of general education students (p. 42 of student 	<p>Please revise the Student Handbook to incorporate the corrections. The Department's criterion for MOA 10A may be used to provide guidance: http://www.doe.mass.edu/pqa/review/cpr/instrument/civilrights.doc.</p> <p>In addition, please provide a distribution plan for this revised information, in lieu of issuing new copies of the Student Handbook to the APR school community.</p> <p>Please provide the revised information for the Student Handbook to the Department and the distribution plan by June 1, 2007.</p>

					handbook); 3) Chapter 766 is an outdated reference for Ch. 71B, the current state law regulating special education in Massachusetts (p. 30).	Please provide the revised 2007-2008 Student Handbook to the Department by September 10, 2007 .
MOA 11A Designation of coordinator(s); grievance procedures	Partially implemented	Document review			APR has adopted but not published grievance procedures for students in its Student Handbook to provide for prompt and equitable resolution of complaints alleging discrimination based on sex or disability. There is a reference to this process on page 48; however, the actual process is not detailed in the handbook. The anti-discrimination policy and complaint procedure is well described in the Faculty Handbook (pp. 124-130).	Please revise the Student Handbook to incorporate the grievance procedure. The Department's criterion for MOA 11A may be used to provide guidance: http://www.doe.mass.edu/pqa/review/cpr/instrument/civilrights.doc . In addition, please provide a distribution plan for this information in lieu of issuing revised copies of the Student Handbook to the APR school community. Please provide the revised information for the Student Handbook to the Department and the distribution plan by June 1, 2007 .
MOA 12A Annual and continuous notification concerning	Partially implemented	Document review			While APR's Student Handbook offers the middle school and high school principals as contacts when	Please revise the Faculty and Student Handbooks to incorporate the names and phone numbers of the Title IX and Section 504 coordinators.

<p>nondiscrimination and coordinators</p>					<p>discrimination is alleged, these individuals are not identified as the persons designated under MOA 11A to coordinate compliance under Title IX and Section 504, nor are phone number(s) provided.</p>	<p>The Department's criterion for MOA 12A may be used to provide guidance: http://www.doe.mass.edu/pqa/review/cpr/instrument/civilrights.doc.</p> <p>In addition, please provide a distribution plan for this information in lieu of issuing revised copies of the Student Handbook to the APR school community.</p> <p>Please provide the revised information for the Student Handbook to the Department and the distribution plan by June 1, 2007.</p>
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ACADEMY OF THE PACIFIC RIM CHARTER PUBLIC SCHOOL
English Learner Education (ELE) Requirements

Mid-Cycle Review Findings and Corrective Action Based on the Department's Review Of Local Self-Assessments
 (Please refer to full text of 2006-2007 CPR requirements for ELE and related implementation guidance at
<http://www.doe.mass.edu/pqa/review/cpr/instrument/chapter71A.doc>)

ELE Criterion Number and Topic	Criterion Determined to be Implemented Based on Review of Local ELE Self-Assessment ✓	Findings of Noncompliance Based on Department's Review of Local ELE Self-Assessment (Criterion Determined to be Partially Implemented or Not Implemented)	Required Corrective Action, Timelines for Implementation, and Progress Reporting
ELE 1 Annual Assessment	Implemented		
ELE 2 MCAS Participation	Implemented		
ELE 3 Initial Identification	Implemented		
ELE 4 Waiver Procedures	Implemented		
ELE 5 Program Placement and Structure	Implemented		

ELE Criterion Number and Topic	Criterion Determined to be Implemented Based on Review of Local ELE Self-Assessment ✓	Findings of Noncompliance Based on Department's Review of Local ELE Self-Assessment (Criterion Determined to be Partially Implemented or Not Implemented)	Required Corrective Action, Timelines for Implementation, and Progress Reporting
ELE 6 Program Exit and Readiness	Partially implemented	<p>APR does not exit a student from ELE programming until he or she is deemed English proficient and can participate meaningfully in all aspects of the district's general education program without the use of adapted or simplified English materials. However, this policy does not describe what measures APR staff use to determine a student's readiness.</p> <p>Deciding whether an LEP student can participate in general education classes is <u>determined by multiple measures</u>, including but not limited to the following: MEPA results, grades, teacher observation, and local criteria for grade advancement.</p> <p>The Department has provided guidance on designation of LEP students. Please see Guidelines for Using MEPA Results to Plan Sheltered English Immersion (SEI) Instructional Programming and Make Classification Decisions for Limited English Proficient (LEP) Students, dated June 2005, at http://www.doe.mass.edu/ell/sei/MEPA_guidelines.doc.</p>	<p>Please revise the school's policies and procedures for exiting students from ELE programming to include the multiple measures staff will use to determine whether students are English proficient.</p> <p>Following the revision of this policy, provide training to key staff on its provisions.</p> <p>Provide copies of the revised ELE student exit policy and documentation of the staff training, including the date and time of the training, a signed attendance sheet, the name of the trainer, and examples of training materials, to the Department by June 1, 2007.</p>
ELE 7 Parent Involvement	Implemented		
ELE 8 Declining Entry to a Program	Implemented		
ELE 9 Instructional	Implemented		

ELE Criterion Number and Topic	Criterion Determined to be Implemented Based on Review of Local ELE Self-Assessment ✓	Findings of Noncompliance Based on Department's Review of Local ELE Self-Assessment (Criterion Determined to be Partially Implemented or Not Implemented)	Required Corrective Action, Timelines for Implementation, and Progress Reporting
Grouping			
ELE 10 Parental Notification	Partially implemented	APR provided a copy of the parental notification letter in English only.	Please provide copies of the notification letter in the majority languages of the school to the Department by June 1, 2007 .
ELE 11 Equal Access to Academic Programs and Services	Implemented		
ELE 12 Equal Access to Nonacademic and Extracur- ricular Programs	Implemented		
ELE 13 Follow-up Support	Implemented		
ELE 14 Licensure Requirements	Implemented		

ELE Criterion Number and Topic	Criterion Determined to be Implemented Based on Review of Local ELE Self-Assessment ✓	Findings of Noncompliance Based on Department's Review of Local ELE Self-Assessment (Criterion Determined to be Partially Implemented or Not Implemented)	Required Corrective Action, Timelines for Implementation, and Progress Reporting
ELE 15 Professional Development Requirements	Implemented		
ELE 16 Equitable Facilities	Implemented		
ELE 17 Program Evaluation	Implemented		
ELE 18 Records of LEP Students- (To be reviewed during next CPR visit.)	N/A		