



Massachusetts Department of Elementary and Secondary Education

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May 13, 2008

Theodore C. Mattocks, Superintendent
Bellingham Public School District
60 Harpin Street
Bellingham, MA 02019

Re: Mid-cycle Report

Dear Superintendent Mattocks:

Enclosed is the Department of Elementary and Secondary Education's Mid-cycle Report. This report contains findings based on onsite monitoring the Department conducted to determine the effectiveness of corrective action it approved or ordered to address noncompliance identified in your district's last Coordinated Program Review Report, dated February 11, 2005. 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.

While the Department of Elementary and Secondary 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, including but not limited to noncompliance with special education criteria added or substantially changed in response to IDEA 2004. Where the district has failed to implement its Coordinated Program Review Corrective Action Plan, the Department views these findings to be serious. The Office of Special Education Programs of the U.S. Department of Elementary and Secondary Education requires that all special education noncompliance be corrected as soon as possible, but in no case later than one year from the time of identification; where the district has failed to implement its CPR Corrective Action Plan, this one-year period has long since passed.

In all instances where noncompliance has been found, the Department has prescribed corrective action for the district that must be implemented without delay. (In the case of new findings of noncompliance, this corrective action must be corrected as soon as possible, but in no case later than a year from the date of this report.) You will find these requirements for corrective action included in the enclosed 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 in the report. You must submit your statement of assurance to me by **May 30, 2008**.

The cooperation of your staff throughout this Mid-cycle Review is appreciated. Should you like clarification of any part of our report, please do not hesitate to contact Jean Jonker at 781-338-3947.

Sincerely,

A handwritten signature in black ink that reads "Jean Jonker". The signature is written in a cursive style with a large, sweeping initial "J".

Jean E. Jonker, Mid-cycle Review Chairperson
Program Quality Assurance Services

Darlene A. Lynch, Director
Program Quality Assurance Services

c: Jeffrey Nellhaus, Acting Commissioner of Elementary and Secondary Education
Michael J. O'Herron, School Committee Chairperson
Marijane Hackett, District Program Review Follow-up Coordinator

Encl.: Mid-cycle Report

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
MID-CYCLE REPORT**

Bellingham Public School District

Date of Coordinated Program Review (CPR) Final Report: February 11, 2005

Date Coordinated Program Review Corrective Action Approved or Ordered: June 20, 2005

Dates of Corrective Action Plan Progress Reports: November 22, 2005, April 3, 2006, October 10, 2006

Dates of this Mid-cycle Review Onsite Visit: March 27 – 28, 2008

Date of this Report: May 13, 2008

PLEASE NOTE THAT THIS REPORT IS IN SEVERAL SECTIONS.

Special Education Criteria Cited in CPR Report and Monitored in Mid-cycle

Criterion Number/Topic	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 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 15 Outreach by the school district (Child Find)	✓	Staff interviews and review of documentation	The district conducts an annual outreach with outside agencies, organizations, professionals, and private/parochial schools to reach out to students that may be in need of special education.	✓		

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SE 18A IEP Development and Content	✓	Review of student records and documentation, and interviews	The district develops an IEP at the Team meeting using the most current IEP format provided by the Department. The IEPs that were reviewed addressed all elements of the IEP.			
SE 18B IEP Determination of Placement; Provision of IEP to parent	Partial	Review of student records and documentation, and interviews		Partial	At the Team meeting, an IEP is developed and placement is determined in the least restrictive environment consistent with the needs of the student. However, the district does not always immediately provide the parent with two copies of the proposed IEP and proposed placement (within ten days or 3-5 days if a summary is not given at the conclusion of the meeting),	By September 19, 2008 , submit evidence of training for all appropriate special education staff (date, agenda and attendance) on the procedures to follow to ensure the immediate provision of two copies of the proposed IEP and proposed placement to parents. Conduct, and submit by December 18, 2008, the results of an administrative review of student records from each level (elementary, middle, high school, out-of-district) regarding the immediate provision of two copies of the proposed IEP and proposed placement to parents. Indicate the # of records reviewed from each level, the rate of compliance found and the actions taken by the district

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						to address any non-compliance identified.

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SE 20 Least Restrictive Program Selected	✓	Review of student records and documentation, and interviews	The district selects the least restrictive environment for students and does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum.			
SE 24 Notice to parent regarding proposal/refusal to initiate or change the identification, evaluation, or placement	✓	Review of documentation, and interviews	The district obtains informed parental consent in accordance with state and federal law.			
SE 32 Parent Advisory Council for Special Education	✓	Review of student records and documentation	The district has established the Bellingham Special Education Parent Advisory Council, which has a set of by-laws and holds regular meetings. The Bellingham SEPAC maintains a website for parents to access information.			

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SE 34 Continuum of Alternative Services and Placements	✓	Staff interviews and review of student records and documentation	The district provides a continuum of alternative services and placements to ensure compliance with all elements of the IEPs, including vocational education. The district has expanded its services for students with behavioral needs.			
SE 43 Behavioral Interventions	✓	Staff interviews and review of documentation	The district adheres to the age span requirements. The district requested and received an age span waiver for the 2007-2008 school year.			
SE 44 Procedures for Recording Suspensions	✓	Staff interviews and review of student records and documentation	The district has procedures for recording suspensions for students with disabilities.			

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SE 45 Procedures for Suspensions Up to Ten Days and After Ten Days	Partial	Staff interviews and review of documentation	The district has procedures for the discipline of students with special needs in all student handbooks.	Partial	The high school handbook procedures for the discipline of students with special needs inaccurately states that <u>the Team</u> must develop an FBA Plan and does not include the parent's right to due process from the district. The elementary school handbook procedures for the discipline of students with special needs does not contain procedural safeguards. The Primavera Education Center does not have a clearly articulated discipline policy for students with special needs that meets the requirements of this criterion.	Revise all student handbook discipline policies for students with disabilities to comply with the requirements of this criterion. Provide training to all special education staff and all principals concerning the IDEA 2004 requirements related to discipline. Provide evidence of the revisions and the training, including the date, agenda and attendance sheets indicating staff roles. Provide all of the above by September 19, 2008.

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SE 47 Procedural requirements applied to students not yet determined to be eligible for special education	✓	Review of student records, staff interviews, and documentation	A review of student records and district policies indicates that the district has developed procedures consistent with federal requirements regarding procedural protections and expedited evaluations.			
SE 50 Responsibilities of the School Principal and Administrator of Special Education	✓	Review of student records, staff interviews, and documentation	The district's Administrator of Special Education fulfills the required responsibilities as outlined in this criterion.			
SE 54 Professional Development	✓	Staff interviews and review of documentation	The district is providing required training for staff.			
SE 56 Special education programs and services are evaluated	✓	Staff interviews and documentation	The district regularly evaluates special education programs and services.			

Special Education Criteria Created or Revised in Response to IDEA-2004

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
SE 3 Special requirements for determination of a specific learning disability	✓	Review of student records and documentation	The IEP Team creates a written determination as to whether or not the student has a specific learning disability, which is signed by all Team members.			
SE 6 ##1 - 3 Determination of Transition Services	✓	Staff interviews and review of student records	The district appropriately and annually plans for transition activities for students with disabilities.			
SE 8 IEP Team composition and attendance	Partial	Staff interviews and review of student records	See comment to right.	Partial	The district does not always have all of the required members at many Team meetings and does not use a Team member excusal form when appropriate.	By September 19, 2008 , provide training for all appropriate special education staff regarding the requirements for IEP Team composition and attendance and the use of the Team member excusal form.

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						<p>Conduct and submit the results of an administrative review of student records reviewed from each level (elementary, middle, high school, out-of-district) regarding the requirements for IEP Team composition and attendance and the use of the Team member excusal form. For each level, report on the number of Team meetings in which Team members were absent, the number of meetings that showed documentation of parent excusal, and the number of Team meetings in which written input was provided to the Team by those invited but not attending. Identify any corrective action taken if non-compliance was found. Provide the results of the review and evidence of the training, including agenda and attendance sheets by December 18, 2008.</p>
SE 12 Frequency of re-evaluation	✓	Staff interviews and review of student records	The district conducts re-evaluations consistent with the requirements.			

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SE 13 Progress Reports and content	Partial	Staff interviews and review of student records and documentation	Progress reports are comprehensively detailed with information regarding the students' progress towards attaining IEP goals and objectives.	Partial	All progress reports are not always dated or numbered, and in some cases not present in student records, particularly those records of students in out-of-district placements.	<p>By September 19, 2008, develop and submit a monitoring system/plan to ensure that progress reports are issued and documented in student records. Also, submit evidence of training for all appropriate special education staff (date, agenda and attendance) regarding the plan and requirements for progress reports.</p> <p>Conduct and submit, by December 18, 2008, the results of an administration review of student records, including students placed out-of-district, regarding the requirements for the provision and documenting of IEP progress reports. Indicate the # of records reviewed from in- and out-of-district students, the rate of compliance and indicate the actions taken by the district to address any issues.</p>

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SE 14 Review and revision of IEPs	Partial	Staff interviews and review of student records and documentation	The district uses the IEP amendment process in between annual IEP meetings when the district and parent agree to make changes to a student's IEP.	Partial	Team chairpersons use a district form, " Meeting Extension Waiver", to seek parental approval for not meeting timelines, particularly when annual and re-evaluation meeting dates are somewhat close to one another. The district should consider scheduling re-evaluations so the results are available for the Team's determination prior to the expiration of the prior IEP.	By September 19, 2008 , provide training for all appropriate special education staff regarding the review and revision of IEPs, including adherence to mandated timelines. Submit the date, agenda and attendance. Conduct and submit, by December 18, 2008 , the results of an administration review of student records, including students placed out-of-district, regarding timelines. Indicate the # of records reviewed from in- and out-of district students, how many proposed a new IEP before the expiration date, the rate of compliance and the actions taken by the district to address any issues.
SE 25B Resolution of	✓	Review of student records	The district follows an appropriate protocol regarding			

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disputes		and documentation	resolution of disputes that is consistent with the regulations.			
SE 33 Involvement in the General Curriculum	✓	Review of student records and documentation	Students participate in the general curriculum.			
SE 39A Services to eligible private school students with parents in the district	✓	Review of student records and documentation	The district implements appropriate procedures for services to eligible private school students whose parents reside in the district.			

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SE 39B Services to eligible private school students with parents out of state	✓	Review of student records and documentation	The district implements appropriate procedures for services to eligible private school students whose parents reside out of the district. At the time of this review, there were no eligible students in private schools in the district whose parents reside out of state.			
SE 46 Procedures for suspension of students with disabilities more than 10 days	✓	Review of student records and documentation	The district has procedures in place that meet the requirements set forth in this criterion. The procedures are being followed in practice.			
SE 52 Certifications/ Licenses/ Credentials – related service providers of interpreting services	✓	Documentation	At the time of the review, the district did not employ any related service providers for interpreting services.			

Special Education Criteria Monitored because of Issues Identified since the CPR

Current CPR criteria available by scrolling down to the monitoring instruments at <http://www.doe.mass.edu/pqa/review/cpr/default.html>

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SE 53 Use of Para-professionals	Partially	Review of student records and document review and interviews	Most paraprofessional staff are appropriately trained to provide special education or related services.	Partially	Paraprofessionals are listed on some IEP service delivery grids as service providers who design instruction for students with disabilities with no appropriately licensed staff person listed as a consult. Paraprofessionals are not supposed to design instruction.	By September 19, 2008 , submit evidence of training, (date, agenda, attendance) for all appropriate special education staff regarding the use of paraprofessionals and how to appropriately list their services on the IEP service delivery grid. Conduct and submit, by December 18, 2008 , an administration review of student records and interviews of paraprofessional staff, including students placed out-of-district, regarding the provision of services by paraprofessionals and the documentation of those services on the IEP service delivery grids. Identify the rate of compliance and any corrective action taken if non-compliance is found.

Criteria from Other Regulated Programs Monitored During this Mid-cycle Review

Current CPR criteria available by scrolling down to the monitoring instruments at <http://www.doe.mass.edu/pqa/review/cpr/default.html>

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ELE 11		Student Records, Document Review and Interviews		Not Implemented	LEP students do not have the opportunity to participate fully with their English speaking peers and are not provided support in non-core academic courses. LEP students do not receive support services in a language the student understands. Not all LEP students are provided grade appropriate content objectives taught by qualified staff. LEP students are not provided with access to a full range of academic opportunities and supports afforded non-LEP students. Paraprofessionals, without appropriate training, provide language acquisition support to LEP students.	<p>By September 19, 2008, develop and submit procedures that ensure that LEP students have equal access to academic programs and services. Submit evidence of staff training (date, agenda and attendance) regarding these procedures. Include a description of the means by which the district will ensure that LEP students have equal access to academic programs and services.</p> <p>Conduct and submit, by December 18, 2008, the results of an administration review of LEP student records from each level (elementary, middle, high school, out-of-district) regarding equal access to academic programs and services and adequate support services, the rate of compliance and indicate the actions taken by the district to address any non-compliance issues identified regarding this criterion.</p>

