



Massachusetts Department of Elementary and Secondary Education

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May 9, 2008

William Ryan, Superintendent
Acton-Boxborough Public Schools
16 Charter Road
Acton, MA 01720

Re: Mid-cycle Report

Dear Superintendent Ryan:

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 3, 2006. 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 28, 2008**.

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 781-338-3761.

Sincerely,

Susan Nichols, 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
Bruce Sabot, School Committee Chairperson
Liza Huber, District Program Review Follow-up Coordinator

Encl.: Mid-cycle Report

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

ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT

Date of Coordinated Program Review (CPR) Final Report: February 3, 2006

Date of Coordinated Program Review Corrective Action Approved or Ordered: August 25, 2006

Dates of Corrective Action Plan Progress Reports: December 18, 2006, March 1, 2007 and March 29, 2007

Dates of this Mid-cycle Review Onsite Visit: March 10-13, 2008

Date of this Report: May 9, 2008

PLEASE NOTE THAT THIS REPORT IS IN SEVERAL SECTIONS.

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

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

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</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
	✓			✓		

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SE 2 Required and optional assessments	✓	Record review Interviews Documentation	Assessments are comprehensive and individualized. Evaluation consent forms identify the areas of suspected disability. Assessments are conducted within appropriate timeframes.			
SE 7 Transfer of parental rights at age of majority	Partial	Record review Interviews Documentation	Interviews indicate that the district is informing students prior to reaching age 18 of their rights at age 18 to make all decisions in relation to special education programs and services.	Partial	<p>A review of student records indicates that the notification letter that the district uses was not always dated to determine whether the district was informing students of the transfer of rights one year prior to the eighteenth birthday.</p> <p>In addition, the district is not implementing procedures to obtain consent from the student to continue in the special education program upon reaching the age of 18.</p>	<p>Develop an internal oversight and tracking system to ensure ongoing and appropriate documentation and completion of these requirements. Submit a description of the internal oversight and tracking system, including person(s) responsible for the oversight. Submit by July 31, 2008.</p> <p>Conduct an internal review to determine whether one year prior to the student reaching age 18, the district informs the student of his/her right at 18 to make all decisions in relation to</p>

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						special education programs and services; and that upon reaching age 18 the district is obtaining consent from the student to continue in the special education program. Submit the following: <ul style="list-style-type: none"> • Number of records reviewed; • Number of records in compliance with both requirements of this criterion; • Corrective action taken to remedy any noncompliance found. Submit the above information to the Department by December 5, 2008.
SE 18B Placement/ Provision of IEP	Partial	Student Records Interviews	Interviews and a review of the student records indicate that IEP Teams are determining appropriate placement to deliver the services on the student's IEP and summary sheets; placements are	Partial	A review of the student records indicates that IEPs for out of district placements are not always proposed immediately following the Team meeting.	Develop an internal oversight and tracking system to ensure that the district provides parents of students in out of district placements with a copy of the IEP immediately following its development. Submit a

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			provided at the end of each meeting.			description of the internal oversight and tracking system, including person(s) responsible for the oversight. Submit by July 31, 2008 . Conduct an internal review and submit the following information to the Department: <ul style="list-style-type: none"> • The number of records reviewed of students in out of district placements; • The number of records found to be in compliance; • Corrective action taken if any noncompliance was found. Submit the information set forth above by December 5, 2008 .
SE 24 Notice to Parent	Partial	Student Records Interviews	Record review demonstrates that the district provides notice to parents as required.	Partial	A review of the student records indicates that the district's notices of proposed school district action (N1) do not consistently include all	The district will conduct training with special education and related services staff on the required content of N1 notices. Submit an agenda and signed

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					of the content required by 34 CFR 300.503.	attendance sheet to the Department by September 29, 2008 . The district will conduct an internal review and report to the Department on the number of N1 forms reviewed, the number found to include all required information and any corrective action taken if non-compliance is found. Submit the results of the internal review by December 5, 2008 .
SE 25 Parental Consent	✓	Student Records Interviews	A review of the student records and interviews indicate that the district is seeking and obtaining consent as appropriate. The district is making multiple efforts to obtain consent when required, and the district is contacting the Bureau of Special Education Appeals where it fails to obtain consent or has received rejected IEPs.			

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SE 32 Parent advisory council for special education	✓	Documentation Interviews	<p>A review of the documentation and interviews indicate that the district is offering membership in the parent advisory council (PAC) to all parents of students with disabilities in an ongoing manner. This was evidenced through the monthly newsletters sent to families of special education students; the newsletters also include a variety of information for parents. The content of the documentation and newsletters indicates that the district is meeting on a regular basis with the PAC and that the PAC has opportunities to discuss and advise the district on matters that pertain to the education and safety of students with disabilities, as well as other matters such as access to special education staff and programs, budgetary issues, and parent concerns. The PAC and the school district have planned and co-hosted special education workshops for parents, as well as organized</p>			

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			<p>guest speakers on topics related to special education.</p> <p>The PAC also has a brochure that is given to parents describing its function, mission and goals.</p> <p>A Special Education Workshop for Parents was held on November 2, 2007 and co-hosted by the Acton/Boxborough Special Education PAC and the Acton/Acton Boxborough Regional School District. The workshop had several guest speakers from within and outside of the district present on special education topics and rights of students and their parents under state and federal special education law.</p>			

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SE 40 Instructional groupings	✓	Documentation Interviews	The district submitted schedules of special education instructional groupings at the junior high school and the high school. All instructional groupings are consistent with regulatory requirements.			
SE 41 Age span requirement	✓	Documentation Interviews	The district submitted schedules of special education instructional groupings, including the dates of birth for students; all groupings meet regulatory requirements. The district has obtained waivers in appropriate circumstances where the age span exceeds 48 months.			
SE 47 Procedural requirements applied to students not yet determined to be eligible for special education	✓	Documentation Interviews	Interviews and a review of the student handbooks indicate that the district has added the appropriate procedures for discipline of students not yet determined eligible for special education.			
SE 48 FAPE	✓	Student Records Interviews	A review of the documentation and interviews indicate that the district has changed the policy that was cited in the previous			

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			CPR report. The district is no longer requiring a meeting to be held between an out-of-district student, parent and school administrator in order to discuss appropriate participation of the student in extracurricular activities, such as athletics.			
SE 51 Special education teacher licensure	✓	Documentation Interviews	A review of the documentation and interviews indicate that all special education teachers at the regional school district have appropriate licensure.			
SE 55 Special education facilities and classrooms	✓	Observation Interviews	The school district had previously been in non-compliance as the high school had signage that designated the Occupational Development Program (ODP) classroom, a resource room, a speech room, a Braille room and an occupational therapy space as such. A site visit was made on 3/8/07 and these spaces are now indicated by room numbers.			

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SE 56 Special education programs and services are evaluated	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district is conducting evaluation activities on the effectiveness of special education services and programs through surveys, assessments and meetings with staff and parents.			
CR 3 Access to a full range of education programs	✓	Documentation Interviews	A review of the documentation and interviews indicate that students from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all have access equal to that of other students to the general education program and the full range of any occupational/vocational education programs offered by the district. The non-discrimination statement submitted by the district pertaining to this criterion now contains the category of homelessness.			

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CR 4 Placement of female students, male students, homeless students, students with disabilities, and students from linguistic and racial/ethnic groups	Not Monitored in the Mid-cycle Review		The district remedied the issues identified in the last Coordinated Program Review per the Department's review of progress reports dated June 7, 2007.			
CR 7 Information to be translated into languages other than English	✓	Documentation Interviews	A review of the documentation and interviews indicate that general announcements and notices of extracurricular activities and other opportunities are translated into the primary language of the home and there is a process for parents to request translation or interpreting services, as well as for providing translators/ interpreters.			
CR 7A	✓	Documentation	A review of the documentation and interviews indicate that the			

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School Year Schedules		Interviews	Action-Boxborough Regional High School meets the requirements of 990 hours of structured learning time.			
CR 7B Structured Learning Time	✓	Documentation Interviews	SEE CR 7A			
CR 7C Early Release of High School Seniors	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district's policy ensures that neither the conclusion of the seniors' school year nor graduation is more than 12 days before the regular scheduled closing date for the school.			
CR 8 Accessibility of extracurricular activities	✓	Documentation Interviews	SEE SE 48			
CR 10A Handbooks and codes of	✓	Documentation Interviews	The Grey Junior High School and the Acton-Boxborough High School Handbook include			

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conduct			procedures for the discipline of students on IEPs, students who have Section 504 Plans, and students who are not yet identified as eligible for special education.			
CR 11A Designation of coordinators; grievance procedures	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district has published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.			
CR 13 Availability of information and counseling on general curricular and occupational/vocational opportunities	✓	Documentation Interviews	A review of the documentation and interviews indicate that students from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive, in grades 7-12, the same information and counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.			
			A review of documentation and			

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CR 14 Counseling and counseling materials free from bias and stereotypes	✓	Documentation Interviews	interview indicate that the district is providing translated information/materials in languages other than English. A sample includes information regarding the ABRSD general curriculum, student handbooks, occupational and vocational opportunities for high school students, general counseling materials, and specific policies and procedures pertinent to limited English proficient students.			
CR 16 Notice to students 16 or over leaving school without a high school diploma	✓	Documentation Interviews	A review of the documentation and interviews indicate that within ten days from a student's fifteenth consecutive unexcused absence, the district will send written notices to students age 16 or over and their parents or guardians and will offer a meeting with a representative of the school district within ten days of the date and offer students with disabilities options or alternatives.			

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CR 17A Use of physical restraint on any student enrolled in a publicly-funded education program	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district is implementing staff training annually on the use of restraints consistent with regulatory requirements. The district submitted a list of staff who are trained in restraints and who serve on the Restraint Team for the 2007-2008 school year.			
CR 21 Staff training regarding civil rights	✓	Documentation Interviews	A review of the documentation and interviews indicate that staff are being trained annually on their civil rights responsibilities.			
CR 23 Comparability of facilities	✓	Documentation Interviews Observation	The space where English Language Learner (ELL) students are taught is now comparable to space offered to other students in the district.			
CR 24 Curriculum review process	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district now has a process in place for teachers in the district to review all educational materials for simplistic and demeaning generalizations,			

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			lacking intellectual merit, on the basis of race, color, sex, religion, national origin and sexual orientation.			
CR 25 Institutional Self-Evaluation	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district is evaluating its programs annually to ensure that all students, regardless of race, color, sex, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities.			

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

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 3 Special	✓	Student records	A review of the student records and interviews indicate that the district implements appropriate			

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requirements for determination of specific learning disability		Interviews	procedures for determination of specific learning disabilities. When a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement. The district is aware of the new forms for determining specific learning disabilities, which will be required next year.			
SE 6 ##1 - 3 Determination of Transition Services	✓	Student Records Documentation Interviews	A review of the student records and interviews indicate that IEP Teams are discussing the student's transition needs annually beginning no later than when the student is 15 years old and are documenting the discussion on the Transition Planning Form. IEP Teams are reviewing the Transition Planning Form annually and updating information on the form and the IEP, as appropriate.			

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SE 8 IEP Team composition and attendance	✓	Student Records Interviews	A review of the student records and interviews indicate that IEP Teams include the required members. Staff report that they have not had to request a staff member's excusal at an IEP meeting as all required staff have been in attendance. The district is aware of the responsibilities for having parental agreement for a Team member to be excused, and that this excusal shall be in writing.			
SE 12 Frequency of re-evaluation	✓	Student Records Interviews	A review of the student records and interviews indicate that re-evaluations are conducted in a timely manner and as appropriate, including before finding a student no longer eligible for special education.			
SE 13 Progress Reports and content	Partial	Student Records Documentation Interviews	A review of the student records, documentation and interviews indicate that progress reports are completed with the same frequency as the report card cycle and contain all required elements.	Partial	The district did not submit a summary of its academic achievement/functional performance format and a description of its local procedures to monitor the content and provision of academic achievement /functional performance summaries.	The district must submit a description of its local procedures to monitor the content and provision of academic achievement/ functional performance summaries. Include a copy of the format the district will use. Submit the above information by July 31, 2008.

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SE 14 Review and revision of IEPs	Partial	Student Records Interviews	<p>Staff interviews indicate that staff understand the requirements to at least annually, on or before the anniversary date of the IEP, hold a Team meeting to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.</p> <p>Interviews indicate that if, in between annual IEP meetings the district and parent agree to make changes to a student's IEP, the district may document these agreements in writing without convening a Team meeting.</p>	Partial	A review of the student records indicates that annual review meetings were not consistently held and new IEPs were not proposed prior to the expiration date of the current IEP.	<p>The district must develop an internal oversight and tracking system to ensure timely completion of annual review Team meetings and provision of the IEPs. Provide a description of the internal oversight and tracking system, including person(s) responsible for the oversight by July 31, 2008.</p> <p>The district must conduct an internal review of student records for students whose annual review occurred after the district developed the tracking system and report to the Department on:</p> <ul style="list-style-type: none"> • The number of records reviewed; • The number of records found to be in compliance with annual review Team meetings and provision of IEPs; and • Corrective action taken if any noncompliance is found. <p>Submit the above information by December 5, 2008.</p>

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SE 25B Resolution of disputes	✓	Record review Documentation Interviews	A review of the student records, documentation and interviews indicate that within 15 days of receiving notice that a parent has made an official hearing request to Special Education Appeals, the district will convene a meeting with the parent and the relevant members of the IEP Team, including a representative of the district with decision-making authority, to try to resolve the dispute.			
SE 33 Involvement in the General Curriculum	✓	Student Records Documentation Interviews	A review of the student records, documentation and interviews indicate that district personnel understand the rights of students with disabilities to be full participants in the general curriculum. The district is documenting in the IEP students' participation in the general curriculum.			
SE 39A Procedures for services to eligible private school students whose parents reside in the district	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district has appropriate procedures to provide services to eligible private school students and is calculating the proportionate share of Federal Special Education Entitlement funds.			

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SE 39B Procedures for services to eligible students in private schools in the district whose parents reside out of state	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district has procedures to serve eligible private school students whose parents reside out of state. Interviews indicate that the district is currently not serving any private school students who live out of state.			
SE 46 Procedures for suspension of students with disabilities more than 10 days	✓	Documentation Student Records Interviews	A review of the student records, documentation and interviews indicate that the district has appropriate procedures for the suspension of students with disabilities when students are suspended for more than ten days.			
SE 52 Appropriate certifications/licenses or other credentials – related service providers (to be reviewed only with respect to	Not applicable	Not applicable	The district currently has no providers of interpreting services.			

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providers of interpreting services)						

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 4 Waiver Procedures	✓	Documentation Interviews	A review of the documentation and interviews indicate that the district has waiver procedures that are aligned with required regulations. The district has a local waiver form, and waiver information is appropriately included in the parent notification letter.			
ELE 5 Program Placement and Structure	Partial	Documentation Interviews	A review of the documentation and interviews indicate that the district has procedures for serving limited English proficient students in the district. All students are	Partial	The school district's training plan indicates that some, but not all, teachers have been trained in Sheltered English Instruction (SEI). The plan does not indicate that	Submit an updated roster of all LEP students enrolled for the 2008-2009 school year, including their grade levels and teachers. Indicate the level(s) of SEI training each of their classroom teachers have

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			receiving ESL instruction by a certified ESL teacher, either in beginner, early intermediate, intermediate or transitioning classes.		students who are receiving ELE instruction have classroom teachers who are SEI trained.	received. Submit the above information to the Department by September 29, 2008.
ELE 11 Equal Access to Academic Programs and Services	Partial	Documentation Interviews Student records	A review of the documentation and interviews indicate that the district is considering LEP students for special education services and other academic services. The district submitted copies of the schedules of LEP students in the junior and senior high school. The district reports that all students are receiving credit for ESL classes, students are no longer auditing any content classes and are enrolled in content classes, receiving grades and credit.	Partial	As the district does not have all staff with ELE students trained in SEI, students are not taught to the same academic standards and provided the same opportunities to master such standards as their English-speaking peers.	See ELE 5 above.
ELE 17 Program Evaluation		Documentation Interviews		✓	The district has not submitted an evaluation of its ELE program.	Submit a written evaluation of the ELE program and include any adjustments or changes made to the program in response to the evaluation by

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	<u>Corrective Action Not Implemented or 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 Requirements
						September 29, 2008.