



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

BURLINGTON PUBLIC SCHOOLS

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

Dates of Onsite Visit: January 12-16, 2009

Date of Draft Report: May 13, 2009

Date of Final Report: August 17, 2009

Action Plan Due: September 17, 2009

Department of Elementary and Secondary Education Onsite Team Members:

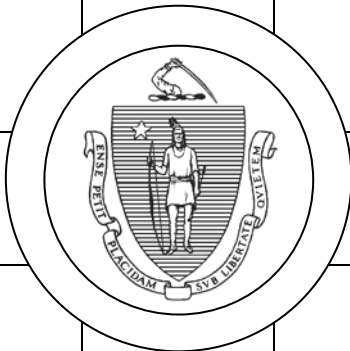
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
COORDINATED PROGRAM REVIEW REPORT**

BURLINGTON PUBLIC SCHOOLS

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
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BURLINGTON PUBLIC SCHOOLS

SCOPE OF COORDINATED PROGRAM REVIEWS

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through the Coordinated Program Review (CPR). All reviews cover selected requirements in the following areas:

Special Education (SE)

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004), the federal regulations promulgated under that Act at 34 CFR Part 300, M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007. The 2008-2009 reviews will focus primarily on criteria containing requirements that are highlighted in the Massachusetts State Performance Plan and reported on every year to the Office of Special Education Programs of the U.S. Department of Education.

Civil Rights Methods of Administration and Other General Education Requirements (CR)

- selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5.
- selected requirements from the Massachusetts Board of Education's Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Education's Student Learning Time regulations (603 CMR 27.00).
- various requirements under other federal and state laws.

English Learner Education (ELE) in Public Schools

- selected requirements from M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students, and 603 CMR 14.00, as well as the No Child Left Behind Act of 2001 and Title VI of the Civil Rights Act of 1964. During the 2008-2009 school year, all districts that enroll limited English proficient students will be reviewed using a combination of updated standards and a self-assessment instrument overseen by the Department's Office of Language Acquisition and Academic Achievement (OLAAA), including a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

Career/Vocational Technical Education (CVTE)

- career/vocational technical education programs under the federal Carl D. Perkins Vocational and Technical Education Act of 1998 and M.G.L. c. 74.

Districts providing Title I services participate in Title I program monitoring during the same year they are scheduled for a Coordinated Program Review. Details regarding the Title I program monitoring process are available at: <http://www.doe.mass.edu/titlei/monitoring>.

COORDINATED PROGRAM REVIEW ELEMENTS

Team: Depending upon the size of a school district and the number of programs to be reviewed, a team of two to eight Department staff members conducts a Coordinated Program Review over two to ten days in a school district or charter school.

Timing: Each school district and charter school in the Commonwealth is scheduled to receive a Coordinated Program Review every six years and a mid-cycle special education follow-up visit three years after the Coordinated Program Review; about sixty school districts and charter schools are scheduled for Coordinated Program Reviews in 2008-2009. The Department's 2008-2009 schedule of Coordinated Program Reviews is posted on the Department's web site at <http://www.doe.mass.edu/pqa/review/cpr/cprschedule09.doc>. The statewide six-year Program Review cycle, including the Department's Mid-cycle follow-up monitoring schedule, is posted at <<<http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html>>>.

Criteria: The Program Review criteria for each program encompass the requirements selected for possible review. Within special education, reviews focus primarily on the 19 criteria marked by a triple asterisk (***) in the School District Information Package for Special Education. These 19 criteria mostly contain requirements that are highlighted in the Massachusetts State Performance Plan. In any review, however, if circumstances warrant it, the Department may monitor additional special education criteria. For more details, please see the section on **Special Education Program Review Criteria** at the beginning of the School District Information Package for Special Education.

Methods: Methods used in reviewing programs include:

- Review of documentation about the operation of the charter school or district's programs.
- Interviews of administrative, instructional, and support staff across all grade levels.
- Interviews of parent advisory council (PAC) representatives and other telephone interviews as requested by other parents or members of the general public.
- Review of student records for special education (and for student accommodation plans under Section 504), English learner education, and career/vocational technical education. The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
- Surveys of parents of students with disabilities and parents of English learners. Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the district's implementation of special education programs, related services, and procedural requirements; parents of English learners whose files are selected for the record review are sent a survey of their

experiences with the district's implementation of the English learner education program and related procedural requirements.

- Observation of classrooms and other facilities. The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

Note on collaborative programs and services. Where the district is a member of a collaborative approved by the Department of Elementary and Secondary Education and is a site for programs or services operated by the collaborative, interviews, student record review, and observation of classrooms are conducted for the collaborative.

Report: Preparation:

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its Findings for the superintendent or charter school leader and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson will forward to the superintendent or charter school leader (and collaborative director where applicable) a Draft Report containing comments from the Program Review. These comments will, once the district has had a chance to respond, form the basis for any findings by the Department. The district (and collaborative) will then have 10 business days to review the report for accuracy before the publication of a Final Report with ratings and findings (see below). The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department's website at <http://www.doe.mass.edu/pqa/review/cpr/reports/>.

Content of Final Report:

Ratings. In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are "Commendable," "Implemented," "Implementation in Progress," "Partially Implemented," "Not Implemented," and "Not Applicable." "Implementation in Progress," used for criteria containing new legal requirements, means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

Findings. The onsite team includes a finding in the Final Report for each criterion that it rates "Commendable," "Partially Implemented," or "Not Implemented," explaining the basis for the rating. It may also include findings for other criteria.

Response: Where criteria are found "Partially Implemented" or "Not Implemented", the district or charter school must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan (CAP) will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department's review and approval. Department staff will offer districts and charter schools technical assistance on the content and requirements for developing an approvable CAP.

Department staff will also provide ongoing technical assistance as the school or district is implementing the approved corrective action plan. **School districts and charter schools must demonstrate effective resolution of noncompliance identified by the Department as**

soon as possible but in no case later than one year from the issuance of the Department's Final Program Review Report.

The Department believes that the Coordinated Program Review is a positive experience and that the Final Report is helpful in planning for the continued improvement of programs and services in each school district, charter school, and educational collaborative.

INTRODUCTION TO THE FINAL REPORT

A five-member Massachusetts Department of Elementary and Secondary Education team visited Burlington Public Schools during the week of January 12, 2009 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, and English learner education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district. The onsite team would like to commend the following area that were brought to its attention and that it believes have a significant and positive impact on the delivery of educational services for students enrolled in the Burlington Public Schools. This area is as follows:

The district has changed its special education service delivery model from an extensive reliance on separately educating special education students in Learning Centers to providing integrated services in the general education classroom with some individualized pull-out services.

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

- Interviews of 14 administrative staff.
- Interviews of 42 teaching and support services staff across all levels.
- Interviews of one parent advisory council (PAC) representative.
- Interviews as requested by persons from the general public.
- Student record reviews: Samples of 25 special education student records and ten English learner education student records were selected by the Department. These student records were first examined by local staff, whose comments were then verified by the onsite team using standard Department record review procedures.
- Surveys of parents of students with disabilities: Twenty-five parents of students with disabilities were sent surveys that solicited information about their experiences with the district's implementation of special education programs, related services and procedural requirements. Four of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Surveys of parents of ELE students: Ten parents of ELE students were sent surveys that solicited information about their experiences with the district's implementation of English learner education programs, services, and procedural requirements. None of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Observation of classrooms and other facilities. A sample of 12 instructional classrooms and other school facilities used in the delivery of programs and services was visited to examine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are:

Component I: Assessment of Students

Component II: Student Identification and Program Placement

Component III: Parent and Community Involvement

Component IV: Curriculum and Instruction

Component V: Student Support Services
Component VI: Faculty, Staff and Administration
Component VII: School Facilities
Component VIII: Program Evaluation
Component IX: Recordkeeping and Fund Use

The findings in each program area explain the “ratings,” determinations by the team about the implementation status of the criteria reviewed. The ratings indicate those criteria that were found by the team to be substantially “Implemented” or implemented in a “Commendable” manner. (Refer to the “Definition of Compliance Ratings” section of the report.) Where criteria were found to be either “Partially Implemented” or “Not Implemented,” the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. In some instances the team may have rated a requirement as “Implemented” or “Implementation in Progress” but made a specific comment on the district’s implementation methods that also requires response from the district or charter school.

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

**BURLINGTON PUBLIC SCHOOLS
SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Special Education	SE 29, SE 48 & SE 55		
Civil Rights and Other General Education Requirements	CR 7, CR 7B, CR 17A & CR 25		
English Learner Education	ELE 5, ELE 9, ELE 10 ELE 11, ELE 14, ELE 15 & ELE 16		

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE” RATING.

DEFINITION OF COMPLIANCE RATINGS

Commendable	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
Implemented	The requirement is substantially met in all important aspects.
Implementation in Progress	The requirement includes one or more new federal special education requirements that became effective with the federal regulations on October 13, 2006. The district or charter school has implemented any previous requirements included in the criterion and is currently engaged in staff training and/or is beginning implementation practices for new requirements which the Department's onsite team anticipates will result in substantial compliance by the end of the 2007-2008 school year.
Partially Implemented	The requirement, in one or several important aspects, is not entirely met.
Not Implemented	The requirement is totally or substantially not met.
Not Applicable	The requirement does not apply to the school district or charter school.

SPECIAL EDUCATION

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER					
	Legal Standard				
SE 5	<p>Participation in general State and district-wide assessment programs</p> <ol style="list-style-type: none"> 1. All students with disabilities whose placements are funded by the district are included in the Massachusetts Comprehensive Assessment System (MCAS) and other district-wide assessment programs. 2. The district's IEP Teams designate how each student will participate and, if necessary, provide an alternate assessment. 3. The superintendent of a school district--or, for a public school program that is not part of a school district, the equivalent administrator— <ol style="list-style-type: none"> a. files an MCAS performance appeal for a student with a disability when the student's parent or guardian or the student, if 18 or over, requests it, provided that the student meets the eligibility requirements for such an appeal; b. obtains the consent of the parent or guardian or the student, if 18 or over, for any MCAS performance appeal filed on behalf of a student with a disability; c. includes in the MCAS performance appeal, to the extent possible, the required evidence of the student's knowledge and skills in the subject at issue. <p>State Requirements St. 2003, c. 140, s. 119; 603 CMR 30.05(2),(3),(5)</p> <p style="text-align: right;">Federal Requirements 20 U.S.C. 1412(a)(16)</p>				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Rating:</td> <td style="width: 25%; text-align: center;">Implemented</td> <td style="width: 25%;">District Response Required:</td> <td style="width: 25%; text-align: center;">No</td> </tr> </table>	Rating:	Implemented	District Response Required:	No
Rating:	Implemented	District Response Required:	No		

CRITERION NUMBER	SPECIAL EDUCATION
	II. STUDENT IDENTIFICATION AND PLACEMENT
	Legal Standard
SE 15	<p>Outreach by the School District (Child Find)</p> <p>The district has annual or more frequent outreach and continuous liaison with those groups below from which promotion or transfer of students in need of special education may be expected, or which would include students in need of special education:</p> <ol style="list-style-type: none"> 1. professionals in community 2. private nursery schools 3. day care facilities 4. group homes 5. parent organizations 6. clinical /health care agencies

CRITERION NUMBER	SPECIAL EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
	7. early intervention programs 8. private/parochial schools 9. other agencies/organizations 10. the school or schools that are part of the district, including charter schools 11. agencies serving migrant and/or homeless persons pursuant to the McKinney-Vento Education Act for Homeless Children <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> State Requirements </div> <div style="width: 45%;"> Federal Requirements 34 CFR 300.111; 300.131; 300.209 </div> </div>		
	Rating:	Implemented	District Response Required: No

CRITERION NUMBER			
	Legal Standard		
SE 20	Least restrictive program selected 1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs. 2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. 3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum. 4. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program.		
	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> State Requirements G.L. c. 71B, § 3; 603 CMR 28.06(2) </div> <div style="width: 45%;"> Federal Requirements 34 CFR 300.114 – 120 </div> </div>		

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CRITERION NUMBER					
	Legal Standard				
SE 22	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. 4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved. <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%;">State Requirements</td> <td style="width: 50%;">Federal Requirements</td> </tr> <tr> <td>603 CMR 28.05(7)(b); 28.06(2)(d)(2)</td> <td>34 CFR 300.323</td> </tr> </table>	State Requirements	Federal Requirements	603 CMR 28.05(7)(b); 28.06(2)(d)(2)	34 CFR 300.323
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CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT
	Legal Standard
SE 24	Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT				
	Legal Standard				
	<ol style="list-style-type: none"> 1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. 2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used. 3. For all other actions, the district gives notice complying with federal requirements within a reasonable time. 4. The school district provides the student's parent(s) with an opportunity to consult with the special education administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation 5. The district provides parents with an opportunity to consult with the administrator of special education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments 6. The school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district's curriculum accommodation plan, including any pre-referral program. 7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student's development. <p style="margin-top: 20px;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> State Requirements G.L. c. 71B, § 3; 603 CMR 28.04(1) </td> <td style="width: 50%; vertical-align: top; text-align: right;"> Federal Requirements 34 CFR 300.503; 300.504(a)(1) </td> </tr> </table> </p>			State Requirements G.L. c. 71B, § 3; 603 CMR 28.04(1)	Federal Requirements 34 CFR 300.503; 300.504(a)(1)
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	Rating: Implemented	District Response Required:	No		

CRITERION NUMBER			
	Legal Standard		
SE 25	<p>Parental consent In accordance with state and federal law, the school district obtains informed parental consent as follows:</p> <ol style="list-style-type: none"> 1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education. 2. The school district obtains consent before initiating extended evaluation services. 3. The school district obtains consent to the services proposed on a student’s IEP before providing such services. 4. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the child. 5. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home. Efforts may include seeking assistance from a community service agency to secure parental participation. 6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a reevaluation or to placement in a special education program subsequent to the initial placement, or the parent revokes consent to such reevaluation or placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the child. If, after consideration, the school district determines that the parent’s failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through Special Education Appeals. <p>State Requirements 603 CMR 28.07(1)</p> <p>Federal Requirements 34 CFR 300.300</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 26	<p>Parent participation in meetings</p> <ol style="list-style-type: none"> 1. The district ensures that one or both parents of a child are members of any group that makes decisions on the educational placement of their child. 2. The administrator of special education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend. 3. The district schedules the meeting at a mutually agreed upon time and place; and documents such efforts. 4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing. 5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation. <p>State Requirements 603 CMR 28.02(21)</p> <p>Federal Requirements 34 CFR 300.322; 300.501</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 27	<p>Content of Team meeting notice to parents</p> <p>The parent notice of any Team meeting states the purpose, time and location of the meeting as well as who will be in attendance.</p> <p>State Requirements</p> <p>Federal Requirements 34 CFR 300.322(b)(1)(i)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 29	<p>Communications are in English and primary language of home</p> <ol style="list-style-type: none"> 1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented. 2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (1) that it has provided such notice in an alternate manner, (2) of the content of the notice and (3) of the steps taken to ensure that the parent understands the content of the notice. <p>State Requirements 603 CMR 28.07(8)</p> <p>Federal Requirements 34 CFR 300.322(e); 300.503(c)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

According to interviews and parent surveys, interpreters are not consistently made available for parents who are not fluent in English during IEP Team meetings, particularly for low-incidence languages.

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

CRITERION NUMBER			
	Legal Standard		
	<p>5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.</p> <p>6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.</p> <p>State Requirements G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)</p> <p style="text-align: right;">Federal Requirements</p>		
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CRITERION NUMBER	SPECIAL EDUCATION IV. CURRICULUM AND INSTRUCTION				
	Legal Standard				
SE 33	<p>Involvement in the general curriculum</p> <ol style="list-style-type: none"> 1. Reserved. 2. Reserved. 3. At least one member of all IEP Teams is familiar with the general curriculum and is able to discuss an eligible student's appropriate access to the general curriculum. 4. In the IEP the district documents the student's participation in the general curriculum. <p>State Requirements 603 CMR 28.05(4)(a) and (b)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.320(a)(1)(i) and a(2)(i)(A); 300.321(a)(4)(ii)</p>				
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CRITERION NUMBER					
	Legal Standard				
SE 34	<p>Continuum of alternative services and placements The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p> <p>State Requirements 603 CMR 28.05(7)(b)</p> <p style="text-align: right;">Federal Requirements 34 CFR 300.109; 300.110; 300.115</p>				
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CRITERION NUMBER	
	Legal Standard
SE 37	<p>Procedures for approved and unapproved out-of-district placements</p> <ol style="list-style-type: none"> 1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district placement. 2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district placement. 3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department.

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	Legal Standard
	<p>4. <u>Written contracts</u>: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5).</p> <p>5. <u>Use of unapproved programs</u>: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student’s IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation.</p> <p>6. <u>Placement documentation</u>: The following documentation is maintained by the school district pursuant to its placement of children in unapproved out-of-district programs:</p> <ul style="list-style-type: none"> a. <u>Search</u>: The administrator of special education documents the search for and unavailability of a program approved by the Department. The administrator places such documentation in the student record. b. <u>Evaluation of facility</u>: The administrator of special education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student’s IEP in a safe and educationally appropriate environment. Such evaluation additionally determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility. c. <u>School district approval to operate a private school in Massachusetts</u>: If services in an unapproved program are provided in a school setting, the administrator of special education ensures that such school has received approval from the local school committee under M.G.L. c.76, §1 and a copy of such approval is retained in the student record. d. <u>Pricing</u>: Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the administrator obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student’s tuition is the lowest price charged for similar services to any student in that program. e. <u>Notification of the Department of Elementary and Secondary Education</u>: Prior to placement, if the Team determines that placement in such facility is appropriate, the administrator notifies the Department of the

CRITERION NUMBER									
	Legal Standard								
	<p>intent to place the student and the name and location of the proposed placement before placing the student into the program by sending ESE a completed mandated 28M3 form titled “Notice of Intent to Seek Approval for Individual Student Program” and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as any documentation of the Department’s objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.</p> <p>f. <u>Out of state programs</u>: If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the administrator of special education ensures that such school has received approval from the host state.</p> <table border="0" data-bbox="402 1045 1401 1220"> <tr> <td data-bbox="402 1045 808 1079">State Requirements</td> <td data-bbox="808 1045 1214 1079">Federal Requirements</td> <td data-bbox="1214 1045 1401 1079"></td> </tr> <tr> <td data-bbox="402 1079 808 1220">G.L. c. 76, s. 1; 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00</td> <td data-bbox="808 1079 1214 1220">34 CFR 300.2(c)</td> <td data-bbox="1214 1079 1401 1220"></td> </tr> </table>			State Requirements	Federal Requirements		G.L. c. 76, s. 1; 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00	34 CFR 300.2(c)	
State Requirements	Federal Requirements								
G.L. c. 76, s. 1; 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00	34 CFR 300.2(c)								
	Rating: Implemented	District Response Required:	No						

CRITERION NUMBER			
	Legal Standard		
SE 45	<p>Procedures for suspension up to 10 days and after 10 days: General requirements</p> <ol style="list-style-type: none"> 1. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below. 2. After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education. 3. The school provides additional procedural safeguards for students with 		

CRITERION NUMBER	
	Legal Standard
	<p>disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.</p> <p>State Requirements G.L. c. 76, §§ 16-17</p> <p>Federal Requirements 34 CFR 300.530-300.537</p>
	<p>Rating: Implemented District Response Required: No</p>

CRITERION NUMBER	
	Legal Standard
SE 46	<p>Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district</p> <ol style="list-style-type: none"> 1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student’s file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district’s failure to implement the IEP—“a manifestation determination.” 3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is <u>NOT</u> a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer: <ol style="list-style-type: none"> a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur. 4. <u>Interim alternative educational setting.</u> Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days <ol style="list-style-type: none"> a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious

CRITERION NUMBER			
	Legal Standard		
	<p>bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or</p> <p>b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.</p> <p><u>Characteristics.</u> In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.</p> <p>5. If district personnel, the parent, and other relevant members of the Team determine that the behavior <u>IS</u> a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.</p> <p>6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student’s current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.</p> <p>State Requirements Federal Requirements 34 CFR 300.530-537</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
SE 48	<p>Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education</p> <p>All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general</p>		

CRITERION NUMBER			
	Legal Standard		
	<p>education program as well as the non-academic and extracurricular programs of the school. Programs, services and activities include, but are not limited to:</p> <ol style="list-style-type: none"> 1. art and music 2. vocational education, industrial arts, and consumer and homemaking education 3. work study and employment opportunities 4. counseling services available at all levels in the district 5. health services 6. transportation 7. recess and physical education, including adapted physical education 8. athletics and recreational activities 9. school-sponsored groups or clubs 10. meals <p>State Requirements 603 CMR 28.06(5)</p> <p>Federal Requirements 34 CFR 300.101 – 300.113</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

According to staff interviews, special education students are scheduled to receive IEP services instead of programming such as art or music for the entire school year because of a lack of staffing in the middle school.

CRITERION NUMBER			
	Legal Standard		
SE 52A	<p>Registration of educational interpreters Providers of interpreting services for students who are deaf or hard of hearing must be registered with the Massachusetts Commission for the Deaf and Hard of Hearing.</p> <p>State Requirements 603 CMR 28.02(3),(18)</p> <p>Federal Requirements 34 CFR 300.34; 300.156(b)</p>		
	Rating: Implemented	District Response Required:	No

Documentation provided by the district indicated that the OT/PT service rooms for special populations at Memorial Elementary School were inaccessible, too small for the population using them, and not equal to standards for other instructional spaces.

According to staff interviews, the high school's auditorium is not accessible from the outside to individuals in wheel chairs.

**CIVIL RIGHTS
METHODS OF ADMINISTRATION (CR)
AND
OTHER RELATED GENERAL EDUCATION
REQUIREMENTS**

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
<p>CR 3</p>	<p>Access to a full range of education programs All students, regardless of race, color, sex, religion, national origin, sexual orientation, disability, or homelessness, have equal access to the general education program and the full range of any occupational/vocational education programs offered by the district.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 2004: 20 U.S.C. 1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
<p>CR 4</p>	<p>Placement of female students, male students, homeless students, students with disabilities, and students from linguistic and racial/ethnic groups Patterns of placement in district programs and services for female students, male students, homeless students, students with disabilities, and students from various linguistic and racial/ethnic groups are consistent with patterns of placement for other students. If these patterns of placement are not consistent, the district is able to demonstrate that placements have been made for valid educational reasons.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; G.L. c. 71A, s. 7; c. 71B, s. 6; c. 76, s. 5; 603 CMR 26.03</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER				
	Legal Standard			
CR 6	<p>Availability of in-school programs for pregnant students</p> <ol style="list-style-type: none"> 1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave. 2. The district does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school unless it requires such certification for all students for other physical or emotional conditions requiring the attention of a physician. <p>Title IX: 20 U.S.C. 1681; 34 CFR 106.40(b)</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT		
	Legal Standard		
CR 7	<p>Information to be translated into languages other than English</p> <ol style="list-style-type: none"> 1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages. 2. School or program recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills. <p>Title VI; EEOA: 20 U.S.C. 1703(f); G.L. c. 76, s. 5; 603 CMR 26.02(2)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

According to interviews and document review, the district has established a system to have documents translated for families who are not proficient in English. However, the district's high school handbook is not translated into other languages; the district's code of conduct was submitted in Gujarati, Portuguese, and Spanish.

According to district documentation, a student's teacher will determine whether a family requires translation of announcements, reports, and other information from the school based on the Home Language Survey and contact with the family. When necessary, the ELL coordinator will ensure that necessary school documents are translated and provided to parents. The student record review demonstrated that the district did not consistently translate school documents, such as progress reports and report cards, even though other documents were translated for those parents.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
CR 7A	<p>School year schedules</p> <ol style="list-style-type: none"> 1. Before the beginning of each school year, the school district sets a school year schedule for each school. The school year includes at least 185 school days for students in grades 1-12 at each elementary, middle, and secondary school in the district, and these schools are in operation for at least 180 days a year for these students. 2. The school district ensures that unless his or her IEP or Section 504 Accommodation Plan provides otherwise, each elementary school student is scheduled for at least 900 hours of structured learning time a year and each secondary school student is scheduled for at least 990 hours of structured learning time a year, within the required school year schedule. Where the school district operates separate middle schools, it designates each one as either elementary or secondary. 3. Where the school district sets a separate school year and school day schedule for kindergarten programs, it provides at least 425 hours of structured learning time a year. If the district schedules two sessions of kindergarten a day, it ensures equal instructional time for all kindergarten students. <p>G.L. c. 69, § 1G; 603 CMR 27.03, 27.04</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 7B	<p>Structured learning time</p> <ol style="list-style-type: none"> 1. The school district ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by G.L. c. 71, s. 3). The district's structured learning time may include 		

CRITERION NUMBER			
	Legal Standard		
	<p>directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments.</p> <ol style="list-style-type: none"> 2. The district ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student’s IEP or Section 504 Accommodation Plan. 3. The hours spent in any type of structured learning time are verified by the school district. Where the school district counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified. <p>G.L. c. 69, § 1G; 603 CMR 27.02, 27.04</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The Department noted that in the district’s alternative high school program, once students have finished their courses at the Evening Academy, they receive their diplomas from Burlington High School. However, the district did not demonstrate that the Evening Academy is meeting the required structured learning time for high school students.

CRITERION NUMBER			
	Legal Standard		
CR 7C	<p>Early release of high school seniors When the school district schedules the early release at the end of the year of the senior class of a high school, it does so in a way that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors’ school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p> <p>G.L. c. 69, § 1G; 603 CMR 27.05</p>		

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

CRITERION NUMBER	
	Legal Standard
CR 8	<p>Accessibility of extracurricular activities Extracurricular activities sponsored by the district are nondiscriminatory in that:</p> <ol style="list-style-type: none"> 1. the school provides equal opportunity for all students to participate in intramural and interscholastic sports; 2. extracurricular activities or clubs sponsored by the school do not exclude students on the basis of race, sex, color, religion, national origin, sexual orientation, disability, or homelessness. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.41; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(a), (c); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title X, Part C, Sec. 721; Mass. Const. amend. art 114; G.L. c. 76, § 5; 603 CMR 26.06</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CR 9	<p>Hiring and employment practices of prospective employers of students</p> <ol style="list-style-type: none"> 1. The district requires employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices. 2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experience. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(1),(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.38; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v), 104.37(a); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); G.L. c. 76, § 5; 603 CMR 26.07(5)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES		
	Legal Standard		
CR 10A	<p>Student handbooks and codes of conduct</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> a) The district has a code of conduct for students and one for teachers. b) The principal of every school containing grades 9-12 prepares, in consultation with the school council, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the school council reviews and revises the student code of conduct every year. c) The principal of every school containing other grades distributes the district's student code of conduct to students, parents, and personnel annually. d) At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language. 2. Student codes of conduct contain: <ol style="list-style-type: none"> a) procedures assuring due process in disciplinary proceedings and b) appropriate procedures for the discipline of students with special needs and students with Section 504 Accommodation Plans. 3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain: <ol style="list-style-type: none"> a) a nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school's non-tolerance for harassment based on race, color, national origin, sex, religion, or sexual orientation, or discrimination on those same bases; b) the school's procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and c) the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred. <p>Section 504; G.L. c. 71, § 37H; 603 CMR 26.08</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 11A	<p>Designation of coordinator(s); grievance procedures</p> <ol style="list-style-type: none"> 1. The district has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II. 2. The district has adopted and published grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability. 		

CRITERION NUMBER	
	Legal Standard
	Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CR 12A	<p>Annual and continuous notification concerning nondiscrimination and coordinators</p> <ol style="list-style-type: none"> 1. If the district offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, sex or disability. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 2. In all cases, the district takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the district, that it does not discriminate on the basis of race, color, national origin, sex, or disability. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504. 3. Written materials and other media used to publicize a school include a notice that the school does not discriminate on the basis of race, color, national origin, sex, disability, religion, or sexual orientation. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.8(a), 106.9; Section 504: 29 U.S.C. 794; 34 CFR 104.8; G.L. c. 76, § 5; 603 CMR 26.02(2)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER				
	Legal Standard			
CR 13	<p>Availability of information and academic counseling on general curricular and occupational/vocational opportunities 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 academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28 CFR 35.130; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114; G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.03</p>			
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
CR 14	<p>Counseling and counseling materials free from bias and stereotypes To ensure that counseling and counseling materials are free from bias and stereotypes on the basis of race, color, sex, religion, national origin, sexual orientation, disability, and homelessness, all counselors:</p> <ol style="list-style-type: none"> 1. encourage students to consider programs of study, courses, extracurricular activities, and occupational opportunities on the basis of individual interests, abilities, and skills; 2. examine testing materials for bias and counteract any found bias when administering tests and interpreting test results; 3. communicate effectively with limited-English-proficient and disabled students and facilitate their access to all programs and services offered by the district; 4. provide limited-English-proficient students with the opportunity to receive guidance and counseling in a language they understand; 5. support students in educational and occupational pursuits that are nontraditional for their gender. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37; Title II: 42 U.S.C. 12132; 28 CFR 35.130, 35.160; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 721; Mass. Const. amend. art. 114;</p>

CRITERION NUMBER					
	Legal Standard				
	G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.04, 26.07(8)				
	<table border="1" style="width: 100%;"> <tr> <td style="width: 25%;">Rating:</td> <td style="width: 25%;">Implemented</td> <td style="width: 25%;">District Response Required:</td> <td style="width: 25%;">No</td> </tr> </table>	Rating:	Implemented	District Response Required:	No
Rating:	Implemented	District Response Required:	No		

CRITERION NUMBER					
	Legal Standard				
CR 15	<p>Non-discriminatory administration of scholarships, prizes and awards Scholarships, prizes and awards sponsored or administered by the district are free of restrictions based upon race, color, sex, religion, national origin, sexual orientation or disability. Schools may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.37; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); Mass. Const. amend. art. 114; G.L. c. 76, § 5; 603 CMR 26.07(7)</p>				
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Rating:	Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
CR 16	<p>Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion</p> <p>1. Within ten days from a student’s fifteenth consecutive unexcused absence, the school provides written notice to students age 16 or over and their parents or guardians. The notice is in English and the family’s native language and states that the student and the parent or guardian may meet with a representative of the district within ten days from the date the notice was sent. At the request of the parent or guardian, the district may consent to an extension of the time for the meeting of not longer than fourteen days.</p>

CRITERION NUMBER				
	Legal Standard			
	<p>2. At the meeting the participants discuss the reasons that the student is leaving school and alternative educational or other placements. The student and parent or guardian are told that attendance is voluntary after the student turns 16 but are also informed of the student’s right to return to school.</p> <p>3. Any district serving students in high school grades sends annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school</p> <p>a) to inform them of the availability of publicly funded post-high school academic support programs and</p> <p>b) to encourage them to participate in those programs.</p> <p>At a minimum, the district sends annual written notice by first class mail to the last known address of each such student who attended a high school in the district within the past two years.</p> <p>G.L. c. 76, §§ 5, 18; St. 1965, c. 741</p>			
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Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	
	Legal Standard
CR 17A	<p>Use of physical restraint on any student enrolled in a publicly-funded education program</p> <p>1. a) The district has developed and implemented staff training at least annually on the use of physical restraint consistent with regulatory requirements. Such training occurs within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.</p> <p>b) At the beginning of each school year, each school identifies staff authorized to serve as schoolwide resources to help ensure the proper administration of physical restraint. Staff so identified have completed in–depth training in the use of physical restraint consistent with 603 CMR 46.03(3) and (4).</p> <p>2. The district administers physical restraint on students only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm. The district implements restraint procedures consistent with Department of Elementary and Secondary Education regulations in order to prevent or minimize any harm to the student as a result of the use of physical restraint.</p> <p>3. The district has developed written procedures regarding appropriate responses</p>

CRITERION NUMBER					
	Legal Standard				
	<p>to student behavior that may require immediate intervention. Such procedures are annually reviewed and provided to school staff and made available to parents of enrolled students.</p> <p>4. The district has developed and implemented reporting requirements and procedures for administrators, parents and the Department consistent with the regulations.</p> <p>5. The district has developed and implemented any applicable individual waiver procedures consistent with the regulations.</p> <p>G.L. c. 71, s. 37G; 603 CMR 46.00</p>				
	<table border="1" style="width: 100%;"> <tr> <td style="width: 25%;">Rating:</td> <td style="width: 30%;">Partially Implemented</td> <td style="width: 25%;">District Response Required:</td> <td style="width: 20%;">Yes</td> </tr> </table>	Rating:	Partially Implemented	District Response Required:	Yes
Rating:	Partially Implemented	District Response Required:	Yes		

Department of Elementary and Secondary Education Findings:

According to documentation provided by the district, the required annual staff training on the use of physical restraint did not occur within the first month of the 2008-2009 school for the Pine Glen School and Marshall Simonds Middle School. Additionally, signed attendance sheets provided by the district demonstrate that not all high school teachers attended the training provided in October 2007.

According to staff interviews, not all LABBB classroom teachers in the district's schools attended the required annual physical restraint training offered by the district.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
CR 18	<p>Responsibilities of the school principal</p> <p>1. Instructional support. The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the administrator of special education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.</p> <p>2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district's general education program to</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	<p>ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. <i>(The plan may be part of a multi-year strategic plan.)</i></p> <p>3. Coordination with special education. The principal with the assistance of the administrator of special education coordinates the delivery and supervision of special education services within each school building.</p> <p>4. Educational services in home or hospital. Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the administrator for special education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.</p> <p>G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 18A	<p>School district employment practices District employment practices in general are free from discrimination on the basis of race, color, national origin, sex, or disability. In particular, the district's faculty salary scales are based on the conditions and responsibilities of employment without regard to race, color, national origin, sex, or disability, and the district's employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.</p>		

CRITERION NUMBER	
	Legal Standard
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CR 20	<p>Staff training on confidentiality of student records The district trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, s. 34H, and 603 CMR 23.00 and on the importance of information privacy and confidentiality.</p> <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; G.L. c. 71, § 34H; 603 CMR 23.00, esp. 23.05(3)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	
	Legal Standard
CR 21	<p>Staff training regarding civil rights responsibilities The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2), (3)</p>
	Rating: Implemented District Response Required: No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VII. SCHOOL FACILITIES		
	Legal Standard		
CR 22	<p>Accessibility of district programs and services for students with disabilities In at least one facility within the district, the district makes available and entirely accessible to students with disabilities all educational and vocational programs and services offered at each level (preschool, elementary and secondary).</p> <p>Section 504: 29 U.S.C. 794; 34 CFR 104.21,104.22; Title II: 42 U.S.C. 12132; 28 CFR 35.149, 35.150; Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)(1)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 23	<p>Comparability of facilities Where the district provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the district, including:</p> <ol style="list-style-type: none"> 1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district; 2. separate toilet, locker room, and shower facilities for students of one gender that are comparable in size, condition, number and location to those provided students of the other gender. <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.33, 106.40(b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
CR 24	<p>Curriculum review The district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on</p>		

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
	<p>the basis of race, color, sex, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.</p> <p>G.L. c. 76, § 5; 603 CMR 26.05(2)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
CR 25	<p>Institutional self-evaluation The district evaluates all aspects of its K-12 program 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. It makes such changes as are indicated by the evaluation.</p> <p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.07(1),(4)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The district provided extensive documentation on its data analysis and school/instructional improvement planning. However, according to interviews, the district does not conduct a yearly institutional self-review on equal access to all programming for all students, regardless of race, color, sex, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS IX. RECORD KEEPING		
	Legal Standard		
CR 26A	<p>Confidentiality and student records</p> <ol style="list-style-type: none"> 1. In accordance with federal and state requirements, the district protects the confidentiality of any personally identifiable information that it collects, uses or maintains. 2. The district maintains and provides access to student records in accordance with federal and state requirements. <p>FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; G.L. c. 71, § 34H; 603 CMR 23.05, 23.07</p>		
	Rating: Implemented	District Response Required:	No

ENGLISH LEARNER EDUCATION

**LEGAL STANDARDS AND
FINDINGS**

CRITERION NUMBER	ENGLISH LEARNER EDUCATION I. ASSESSMENT OF STUDENT PROGRESS		
	Legal Standard		
ELE 1	<p>Annual Assessment</p> <p>1. The district annually assesses the English proficiency of all limited English proficient (LEP) students.</p> <p>2. The following tests selected by the Massachusetts Board of Education are administered annually by qualified staff to students who are English learners:</p> <ul style="list-style-type: none"> (a) the Massachusetts Comprehensive Assessment System (MCAS) in grades 3-12; and (b) the Massachusetts English Proficiency Assessment (MEPA) in grades 3-12, and the Massachusetts English Language Assessment – Oral (MELA-O) in grades K-12. <p>Authority: NCLB, Title I and Title III; G.L. c. 71A, § 7; 603 CMR 14.02</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 2	<p>MCAS</p> <p>Limited English proficient students participate in the annual administration of the MCAS (Massachusetts Comprehensive Assessment System) exam as required and in accordance with Department guidelines.</p> <p>Authority: NCLB, Title I, Title VI; G.L. c. 69, § 1I; c. 71A, § 7</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
ELE 3	<p>Initial Identification</p> <p>The district uses qualified staff and appropriate procedures and assessments to identify students who are limited-English-proficient and to assess their level of English proficiency in reading, writing, speaking, and listening.</p>		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT		
	Legal Standard		
	Authority: Title VI; EEOA; G.L. c. 71A, §§ 4, 5; 603 CMR 14.02; G.L. c. 76, § 5; 603 CMR 26.03		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 4	<p>Waiver Procedures</p> <ol style="list-style-type: none"> 1. Waivers may be considered based on parent request, providing the parent annually visits the school and provides written informed consent. Parents must be informed of their right to apply for a waiver and provided with program descriptions <i>in a language they can understand</i>. 2. Students who are under age 10, may only be granted waivers if (a) the student has been placed in an English language classroom for at least 30 calendar days, (b) the school certifies in no less than 250 words that the student “has special and individual physical or psychological needs, separate from lack of English proficiency” that requires an alternative program, and (c) the waiver is authorized by both the school superintendent and principal. All waiver requests and school district responses (approved or disapproved waivers) must be placed in the student’s permanent school record. For students under age 10, both the superintendent and the principal must authorize the waiver, and it must be made under guidelines established by, and subject to the review of the local school committee. These guidelines may, but are not required to, contain an appeals process. Students who are over age 10 may be granted waivers when it is the informed belief of the school principal and educational staff that an alternative program would be better for the student’s overall educational progress. Students receiving waivers may be transferred to an educationally recognized and legally permitted English language learner program other than a sheltered English immersion or two-way bilingual program. See 603 CMR 14.04 and ELE 5. <p style="text-align: center;">Authority: G.L. c. 71A, § 5; 603 CMR 14.04(3)</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
<p>ELE 5</p>	<p>Program Placement and Structure</p> <ol style="list-style-type: none"> 1. The district places LEP students in <ol style="list-style-type: none"> a. “sheltered English immersion” (SEI) classrooms (SEI has two components, English as a Second Language (ESL)/English Language Development (ELD) instruction and sheltered content instruction as described in G.L. c. 71A, §§ 2 and 4); or b. “two-way bilingual” classrooms, in which students develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of an equal number of proficient English speakers and proficient speakers of the other language; or c. (for kindergarten students) either a sheltered English immersion, two-way bilingual, or an English-only language general education classroom with assistance in English language acquisition, including, but not limited to, ESL; or d. (as a result of an approved waiver) bilingual education or another educationally recognized and legally permitted English language learner program, in which the students are taught all courses required by law and by the school district. 2. Regardless of the program model, districts provide LEP students with content instruction that is based on the Massachusetts Curriculum Frameworks. 3. Regardless of the program model, districts provide ESL/ELD instruction that is based on the English Language Proficiency Benchmarks and Outcomes. 4. The district uses assessment data to plan and implement educational programs for students at different instructional levels. <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71A, §§ 2, 4, 7</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Sheltered English immersion (SEI) is a program model for limited English proficient (LEP) students composed of two parts—English as a second language (ESL) and sheltered content instruction. ESL is explicit, direct instruction about the English language, delivered to LEP students only and designed to promote the English language development of LEP students. Sheltered content instruction is an approach for teaching content to LEP students in strategic ways that make the subject matter concepts comprehensible while promoting the LEP students’ English language development.

A review of district documents shows that the district does not have an ESL curriculum based on the Massachusetts English Language Proficiency Benchmarks and Outcomes. Without an ESL curriculum that identifies outcomes in reading, writing, listening, and speaking, there is no district plan to ensure that all LEP students will receive instruction in all four modalities.

- *The district describes direct ESL instruction that varies from .5 hours per week to 5 hours per week*

CRITERION NUMBER	
	Legal Standard

in grades k-8 and, at grades 9-12, regardless of proficiency levels, students receive 3.75 hours per week of direct ESL instruction. The amount of direct ESL instruction provided to LEP students is inconsistent with the recommended hours of direct instruction per the Department's June 2005 guidance document: "Guidelines for Using MEPA Results to Plan Sheltered English Immersion (SEI) Instructional Programming and Make Classification Decisions for Limited English Proficient (LEP) Students."

Content instruction is based on the appropriate Massachusetts Curriculum Framework; however, LEP students do not receive sheltered content instruction as few teachers have completed more than one of the categories of SEI professional development focused on the skills and knowledge necessary for sheltering instruction, described in the Commissioner's Memorandum of June 2005 (see findings ELE 15).

Assessment data, (specifically MEPA data), about the academic performance of LEP students is not systematically made available and used for planning and implementing the educational programs for LEP students.

CRITERION NUMBER					
	Legal Standard				
ELE 6	<p>Program Exit and Readiness</p> <ol style="list-style-type: none"> 1. The district does not re-designate a student from Limited English Proficient (LEP) to Formerly Limited English Proficient (FLEP) 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. 2. Districts do not limit or cap the amount of time in which an LEP student can remain in a language support program. An LEP student only exits from such a program after he or she is determined to be proficient in English. <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 71A, § 4</p>				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Rating:</td> <td style="text-align: center;">Implemented</td> <td style="text-align: center;">District Response Required:</td> <td style="text-align: center;">No</td> </tr> </table>	Rating:	Implemented	District Response Required:	No
Rating:	Implemented	District Response Required:	No		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION III. PARENTAL INVOLVEMENT		
	Legal Standard		
ELE 7	<p>Parent Involvement The district develops ways to include parents or guardians of LEP students in matters pertaining to their children’s education.</p> <p>Authority: Title VI; EEOA</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IV. CURRICULUM AND INSTRUCTION		
	Legal Standard		
ELE 8	<p>Declining Entry to a Program The district provides English language support to students whose parents have declined entry to a sheltered English immersion, two-way bilingual, or other ELE program.</p> <p>Authority: Title VI; EEOA; G.L. c. 71, §38Q1/2</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER			
	Legal Standard		
ELE 9	<p>Instructional Grouping</p> <ol style="list-style-type: none"> 1. The district only groups LEP students of different ages together in instructional settings if their levels of English proficiency are similar. 2. The district’s grouping of students ensures that LEP students receive effective content instruction at appropriate academic levels and that ESL/ELD instruction is at the appropriate proficiency level and based on the English Language Proficiency Benchmarks and Outcomes. <p>Authority: Title VI; EEOA; G.L. c. 71A, § 4</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Although district documents indicate that LEP students are grouped appropriately by proficiency levels for ESL instruction and by appropriate grade levels for sheltered content instruction, many content teachers have not completed all of the SEI PD as described in the June 2005 Commissioner’s memorandum (see ELE 15), and there is no clearly articulated ESL curriculum based on the ELPBO (see ELE 5). Therefore, we conclude that LEP students are not receiving effective content instruction

CRITERION NUMBER			
	Legal Standard		
ELE 10	<p>1. Upon identification of a student as LEP, and annually thereafter, a notice is mailed to the parents or guardians written where practicable in the primary/home language as well as in English, that informs parents of:</p> <ul style="list-style-type: none"> (a) the reasons for identification of the student as LEP; (b) the child’s level of English proficiency; (c) program placement and/or the method of instruction used in the program; (d) how the program will meet the educational strengths and needs of the student; (e) how the program will specifically help the child learn English; (f) the specific exit requirements; and (g) the parents’ right to apply for a waiver (see ELE 4), or to decline to enroll their child in the program (see ELE 8). <p>(All districts need to comply with a-c and g. Title III districts must comply with a-g. Title III districts must send parental notification no later than 30 days after the beginning of the school year.)</p> <p>2. The district provides to parents and guardians of LEP students, report cards, and progress reports in the same manner and with the same frequency as general education reporting. The reports are, to the maximum extent possible, written in a language understandable to the parent/guardian.</p> <p>Authority: NCLB, Title III, Part C, Sec. 3302(a), (c); G.L. c. 71A, § 7; 603 CMR 14.02</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The document review demonstrated that the parent notification letter describes two program placement options, Sheltered English Immersion (SEI) and SEI with English Language Development instruction. However, as described in M.G.L. c. 71A, §§ 2 and 4, sheltered English immersion programs must have two components, English as a Second Language (ESL)/English Language Development (ELD) instruction and sheltered content instruction. The district cannot offer an SEI program without the ELD component as an option.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES		
	Legal Standard		
ELE 11	<p>Equal Access to Academic Programs and Services</p> <ol style="list-style-type: none"> 1. The district does not segregate LEP students from their English-speaking peers, except where programmatically necessary, to implement an English learner education program. 2. The district ensures that LEP students participate fully with their English-speaking peers and are provided support in non-core academic courses. 3. The district ensures that LEP students have the opportunity to receive support services, such as guidance and counseling, in a language that the student understands. 4. The district ensures that LEP students are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs. 5. The district uses grade appropriate content objectives for LEP students that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members. 6. Reserved 7. The district provides access to the full range of academic opportunities and supports afforded non-LEP students, such as special education services, Section 504 Accommodation Plans, Title I services, career and technical education, and the supports outlined in the district’s curriculum accommodation plan. 8. Information in notices such as activities, responsibilities, and academic standards provided to all students is provided to LEP students in a language and mode of communication that they understand. <p>Authority: Title VI; EEOA; G.L. c. 71, § 38Q1/2; 603 CMR 28.03(3)(a); c. 71A, § 7; c. 76, § 5; 603 CMR 26.03; 603 CMR 26.07(8)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

According to interviews, information in notices and in elementary handbooks such as activities, responsibilities, and academic standards are not provided to LEP students and their families in a language and mode of communication that they understand consistently across the district.

CRITERION NUMBER				
	Legal Standard			
ELE 12	<p>Equal Access to Nonacademic and Extracurricular Programs</p> <ol style="list-style-type: none"> 1. The district provides appropriate support, where necessary, to limited English proficient students to ensure that they have equal access to the nonacademic programs and extracurricular activities available to their English-speaking peers. 2. Information provided to students about extracurricular activities and school events is provided to LEP students in a language they understand. <p>Authority: Title VI; EEOA; G.L. c. 76, § 5; 603 CMR 26.06(2)</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER				
	Legal Standard			
ELE 13	<p>Follow-up Support</p> <p>The district actively monitors students who have exited an English learner education program for two years and provides language support services to those students, if needed.</p> <p>Authority: Title VI; EEOA; NCLB, Title III</p>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">Rating: Implemented</td> <td style="width: 33%;">District Response Required:</td> <td style="width: 33%;">No</td> </tr> </table>	Rating: Implemented	District Response Required:	No
Rating: Implemented	District Response Required:	No		

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
ELE 14	<p>Licensure Requirements</p> <ol style="list-style-type: none"> 1. Reserved. 2. (a) Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license under G.L. c.71, § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.)

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION		
	Legal Standard		
	<p>(b) Except at Commonwealth charter schools, <i>every</i> teacher or other educational staff member who teaches limited English proficient students holds an appropriate license or current waiver issued by the Department of Elementary and Secondary Education.</p> <p>(c) All teachers and other educational staff who teach LEP students, including those at Commonwealth charter schools, have received or are engaged in the professional development described in Attachment 1 to the commissioner’s memorandum of June 15, 2004. (See p. 8 at http://www.doe.mass.edu/ell/sei/qualifications.pdf.)</p> <p>3. Except at Commonwealth charter schools, any director of English language learner programs who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language, Transitional Bilingual Education, or English Language Learners license.</p> <p>4. If a district with 200 or more LEP students—including any Commonwealth charter school with 200 or more LEP students—has a director of English language learner programs, that director has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license even if he or she is employed in that position for less than one-half time. (This requirement does not apply separately to Horace Mann charter schools.)</p> <p style="text-align: right;">Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(qq); St. 2002, c. 218, §§ 24, 25, 30; 603 CMR 7.04(3), 7.09(3)</p>		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Although the district submitted a policy for determining the English language literacy of its teachers, the policy does not include how the district determines the English language fluency of those teachers teaching LEP students.

CRITERION NUMBER			
	Legal Standard		
ELE 15	<p>Professional Development Requirements</p> <p>District schools with LEP students implement a professional development plan that provides teachers and administrators with high quality training, as prescribed by the Department, in (1) second language learning and teaching; (2) sheltering content instruction; (3) assessment of speaking and listening; and (4) teaching reading and writing to limited English proficient students. The school provides training opportunities to teachers of LEP students that ensure the progress of LEP</p>		

CRITERION NUMBER			
	Legal Standard		
	students in developing oral comprehension, speaking, reading, and writing of English, and in meeting academic standards. Authority: NCLB, Title III		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Burlington Public Schools submitted a multi-year strategic plan for offering Sheltered English Immersion Professional Development (SEI PD) to teachers who provide content instruction to LEP students in the district. However, it will not be until the 2010-2011 school year that most teachers will be fully qualified to shelter content instruction, having received training in all four Categories.

At this time, LEP students are receiving content instruction from teachers who have completed only some of the four Categories of professional development. Documentation submitted indicates that Categories 1 and 3 have been completed by teachers in far greater numbers than Categories 2 and 4.

The District refers to Category 4 as “Teaching Reading and Writing to LEP Students”, while the actual title is, “Reading and Writing in Sheltered Content Classrooms”. This is a Secondary-level training curriculum, and training should be focused on all content teachers of LEP students at the Middle and High Schools (only ELA teachers are mentioned in the District’s plan). Given this specific target audience of the district’s ELA teachers, the Department is concerned that other content teachers (e.g. math, science, etc.) might not be targeted for the training. All such content teachers need training in how to assist their LEP students in facing the reading and writing challenges and demands of their respective content areas

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
ELE 16	Equitable Facilities The district ensures that LEP students are provided facilities, materials and services comparable to those provided to the overall student population. Authority: Title VI; EEOA; G.L. c. 76, § 5; 603 CMR 26.07		
	Rating: Partially Implemented	District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

The district’s documentation for Pine Glen Elementary School identified the ELL instructional space as too small for the population currently using it; as not adequate for the type of instruction or activity; and as not at least equal to average standards for the rest of the school.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION		
	Legal Standard		
ELE 17	<p>Program Evaluation The district conducts periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program. Where the district documents that the program is not effective, it takes steps to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.</p> <p style="text-align: center;">Authority: Title VI; EEOA</p>		
	Rating: Implemented	District Response Required:	No

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IX. RECORD KEEPING		
	Legal Standard		
ELE 18	<p>Records of LEP Students LEP student records include:</p> <ul style="list-style-type: none"> (a) home language survey; (b) results of identification and proficiency tests and evaluations, including MELA-O, MEPA, MCAS, or other tests chosen by the Board of Education and the district; (c) information about students' previous school experiences; (d) copies of parent notification letters, progress reports and report cards (in the native language, if necessary); (e) evidence of follow-up monitoring (if applicable); (f) documentation of a parent's consent to "opt-out" of English learner education, if applicable; (g) waiver documentation, if applicable; and (h) Individual Student Success Plans for students who have failed MCAS, if the district is required to complete plans for non-LEP students. <p style="text-align: center;">Authority: Title VI; EEOA; G.L. c. 69, § 1I; c. 71A, §§ 5, 7; 603 CMR 14.02, 14.04</p>		
	Rating: Implemented	District Response Required:	No

Coordinated Program Review Final Reports are available at:

<http://www.doe.mass.edu/pqa/review/cpr/reports/>.

Profile information supplied by each charter school and school district, including information for individual schools within districts, is available at

<http://profiles.doe.mass.edu/>.

Final Report FALL-WINTER SE CR ELE – 2009

File Name: Burlington FINAL REPORT 2009

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