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| ESE Logo |  | **Gardner Public Schools****COORDINATED PROGRAM REVIEW****REPORT OF FINDINGS****Dates of Onsite Visit:** **February 6-8 & February 15, 2017****Date of Draft Report:** **April 26, 2017****Date of Final Report: June 2, 2017****Action Plan Due: June 30, 2017****Department of Elementary and Secondary Education Onsite Team Members:****Amy Krukonis, Office of Public School Monitoring (PSM) Chair****Tom Hidalgo, PSM****Sibel Hughes, Office of English Language Acquisition and Academic Achievement (OELAAA) Chair** |
|  |  | **Mitchell D. Chester, Ed.D.** **Commissioner of Elementary and Secondary Education**  |
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Gardner Public Schools**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Gardner 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 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

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 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
* 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.
* The 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

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 2016 - 2017 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 (OELAAA), including a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

College, Career and Technical Education (OCCTE)

* college, career and 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 one to eight Department staff members conducts onsite activities over two to five 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; approximately 66 school districts and charter schools are scheduled for Coordinated Program Reviews in 2016 - 2017, of which all districts participated in the Web-based Monitoring System (WBMS). The Department’s

2016 - 2017 schedule of Coordinated Program Reviews is posted on the Department’s web site at <<<http://www.doe.mass.edu/pqa/review/cpr/schedule.html>>>.  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 WBMS review begins with the district/school conducting a self-assessment across all 56 current special education criteria and 26 civil rights criteria. The Office of Public School Monitoring through its Desk Review procedures examines the district/school’s self-assessment submission and determines which criteria will be followed–up on through onsite verification activities. For more details, please see the section on **The Web-based Approach to** **Special Education and Civil Rights Monitoring** at the beginning of the School District Information Package for Special Education and Civil Rights.

The requirements selected for review in all of the regulated programs are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993 to promote student achievement and high standards for all students.

**WBMS Methods:** Methods used in reviewing special education and civil rights programs include:

Self-Assessment Phase:

* District/school review of special education and civil rights documentation for required elements including document uploads. Upon completion of this portion of the district/school’s self-assessment, it is submitted to the Department for review.
* District/school review of a sample of special education student records selected across grade levels, disability categories and level of need. Additional requirements for the appropriate selection of the student record sample can be found in **Appendix II: Student Record Review Procedures** of the School District Information Package for Special Education.

Upon completion of these two portions of the district/school’s self-assessment, it is submitted to the Department for review.

On-site Verification Phase: Includes activities selected from the following;

* Interviews of administrative, instructional, and support staff consistent with those criteria selected for onsite verification.
* 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: The Department may select a sample of student records from those the district reviewed as part of its self-assessment, as well as records chosen by the Department from the special education student roster. The onsite team will conduct this review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
* Surveys of parents of students with disabilities: 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.
* 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.
* Review of additional documents for special education or civil rights.

**Methods for all other programs in the Coordinated Program Review:**

* 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.
* Telephone interviews as requested by other parents or members of the general public.
* Review of student records for English learner education and college, career and 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 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.

**Report:** **Preparation:**

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its comments 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. The Draft Report comments for special education and civil rights are provided to the district/school on-line through the Web-based Monitoring System (WBMS). 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 or updated 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,” “Not Implemented,” or “Implementation in Progress,” explaining the basis for the rating. It may also include findings for other related 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.**

# **INTRODUCTION TO THE FINAL REPORT**

#

A three-member Massachusetts Department of Elementary and Secondary Education team visited Gardner Public Schools during the week of February 6, 2017 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 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 11 administrative staff.
* Interviews of 47 teaching and support services staff across all levels.
* Interview of one parent advisory council (PAC) representative.
* Interviews as requested by persons from the general public.
* Student record reviews: Samples of 35 special education student records and 28 English learner education student records.
* Surveys of parents of students with disabilities: 50 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: 24 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. Six 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 26 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: Facilities**

**Component VIII: Program Evaluation**

**Component IX: Recordkeeping and Fund Use**

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| The district conducted a self-assessment and the Department reviewed all of the criteria in the specific program areas. The Coordinated Program Review Report includes those criteria that were found by the team to be implemented in a “Commendable” manner, as well as criteria receiving a rating of "Partially Implemented," "Not Implemented," or “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) **Program Review Reports no longer include criteria receiving a rating of “Implemented” or “Not Applicable.”** This change will allow the district and the Department to focus their efforts on those areas requiring corrective action. For those criteria receiving a rating of “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. For any criteria receiving a rating of “Implementation in Progress,” the district must indicate the steps the district will continue to take in order to fulfill the regulatory requirements. Districts are expected to incorporate the corrective actions into their district and school improvement plans, including their professional development plans. |

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| **DEFINITION OF COMPLIANCE RATINGS** |
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| **Commendable** | Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation. |
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| **Implemented** | The requirement is substantially met in all important aspects. |
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| **Implementation in Progress** | This rating is used for criteria containing new or updated legal requirements and 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. |
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| **Partially Implemented** | The requirement, in one or several important aspects, is not entirely met. |
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| **Not Implemented** | The requirement is totally or substantially not met. |
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| **Not Applicable**  | The requirement does not apply to the school district or charter school. |

**Gardner Public Schools**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Special Education** | **Civil Rights and Other General Education Requirements** | **English Learner Education** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3, SE 3A, SE 5, SE 6, SE 7, SE 8, SE 9, SE 9A, SE 10, SE 11, SE 12, SE 15, SE 16, SE 17, SE 18A, SE 19, SE 20, SE 21, SE 22, SE 25, SE 25A, SE 25B, SE 26, SE 27, SE 29, SE 32, SE 33, SE 35, SE 36, SE 37, SE 38, SE 39A, SE 39B, SE 40, SE 41, SE 42, SE 43, SE 44, SE 45, SE 46, SE 47, SE 48, SE 49, SE 50, SE 51, SE 52, SE 52A, SE 53, SE 54, SE 56, SE 59 | CR 3, CR 6, CR 7, CR 7C, CR 8, CR 9, CR 10, CR 11A, CR 12A, CR 13, CR 14, CR 15, CR 18A, CR 20, CR 21, CR 22, CR 23, CR 26A | ELE 1, ELE 2, ELE 3, ELE 4, ELE 5, ELE 7, ELE 8, ELE 9, ELE 10, ELE 11, ELE 12, ELE 13, ELE 14, ELE 15, ELE 16 |
| **PARTIALLY****IMPLEMENTED** | SE 4, SE 13, SE 14, SE 18B, SE 24, SE 34, SE 55 | CR 7A, CR 7B, CR 10A, CR 10B, CR 10C, CR 16, CR 17A, CR 18, CR 24 | ELE 6, ELE 18 |
| **NOT IMPLEMENTED** |  | CR 25 | ELE 17 |

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| **SPECIAL EDUCATION** **LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 4** | Reports of assessment results1. Each person conducting an assessment shall summarize in writing the procedures employed, the results, and the diagnostic impression, and shall define in detail and in educationally relevant and common terms, the student’s needs, offering explicit means of meeting them. Assessors may recommend appropriate types of placements, but shall not recommend specific classrooms or schools.
2. Summaries of assessments are completed prior to discussion by the Team and, upon request, are made available to the parent at least two days in advance of the Team discussion.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(2)(c) |  |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicate that related service providers and special education teachers conducting assessments do not consistently summarize in writing their diagnostic impressions or define in detail and in educationally relevant and common terms the explicit means of meeting the students' needs.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 13** | Progress Reports and content 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.
2. Progress report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP.
3. Where a student’s eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.07(3) | 34 CFR 300.305(e)(3); 300.320(a)(3) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicate that progress reports do not consistently provide information specific to the student's progress toward each annual goal in the IEP.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 14** | Review and revision of IEPs1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student’s progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.
2. The IEP Team reviews and revises the IEP to address any lack of expected progress towards the annual goals and in the general curriculum.
3. Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student’s IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(3) | 34 CFR 300.324(a)(4), (6) and (b) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicate that Team meetings are not consistently held at least annually, on or before the anniversary date of the IEP, to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.* *In addition, student record review indicates that IEP Teams do not consistently review and revise IEPs to address any lack of expected student progress towards the annual goals identified when progress reports are issued.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| SE 18B | Determination of placement; provision of IEP to parent1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student’s IEP.
2. Unless the student’s IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education.
3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided.
4. Reserved
5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(6) and (7); 28.06(2) | 34 CFR 300.116; 300.325 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicate that the district does not consistently send parents a proposed IEP and proposed placement, along with the required notice, within two calendar weeks of providing the parents a summary at the conclusion of the Team meeting.* |

| **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 student or the provision of FAPE1. 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 student'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.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 71B, § 3; 603 CMR 28.04(1) | 34 CFR 300.503; 300.504(a)(1) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicate that the district's Notice of Proposed School District Action (N1) does not consistently include: 1) the action the school district is proposing to take; 2) why the district is proposing to act; 3) a description of any other options that the district considered and the reasons why those options were rejected; 4) a description of each evaluation procedure, test, record or report used as a basis for the proposed action; or 5) other factors relevant to the district's decision.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 34** | 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. |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(7)(b) | 34 CFR 300.109; 300.110; 300.115 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review, document review and interviews indicate that the district does not have a continuum of services to meet the needs of all students with disabilities at the high school level. Special education programming at the elementary and middle school levels consists of inclusion and resource room settings, in addition to three substantially separate programs for students with emotional, cognitive and intellectual, and autism disabilities. At the high school level, substantially separate classrooms for students with emotional disabilities and students on the autism spectrum are not available. Students who once required these programs at the middle school and have moved up to the high school receive their services in the academic support resource room or in the general education classroom under a co-teaching model. This co-teaching model, however, is new at the high school and is not consistently implemented. Also, students with emotional disabilities who were previously placed in a substantially separate classroom, and who are not successful at the high school, may be referred to the Gardner Academy for Learning and Technology, a program for students at risk of dropping out of high school.* |

| **CRITERION****NUMBER** | SPECIAL EDUCATION**VII. SCHOOL FACILITIES** |
| --- | --- |
|  | **Legal Standard** |
| **SE 55** | Special education facilities and classroomsThe school district provides facilities and classrooms for eligible students that1. maximize the inclusion of such students into the life of the school;
2. provide accessibility in order to implement fully each student’s IEP;
3. are at least equal in all physical respects to the average standards of general education facilities and classrooms;
4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and
5. are not identified by signs or other means that stigmatize such students.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.03(1)(b) | Section 504 of the Rehabilitation Act of 1973 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Classroom observations and interviews indicate that on the first floor of Elm Street School, two substantially separate programs, Options and Intermediate Project Support, and a resource room are isolated at the end of a hallway near the gymnasium. These are the only classrooms in this section of the school and do not maximize the inclusion of these students into the life of the school.* |

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| **CIVIL RIGHTS** **METHODS OF ADMINISTRATION (CR)** **AND** **OTHER RELATED GENERAL EDUCATION REQUIREMENTS****LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS**IV. CURRICULUM AND INSTRUCTION** |
| --- | --- |
|  | **Legal Standard** |
| CR 7A | School year schedules1. 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.
 |
|  | M.G.L. c. 69, § 1G; 603 CMR 27.03, 27.04 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district does not schedule at least 990 hours of structured learning time a year at the Gardner Academy for Learning and Technology, a program serving secondary school students.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **CR 7B** | Structured learning time1. 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 M.G.L. c. 71, s. 3). The district’s structured learning time may include 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.
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.
 |
|  | M.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that not every student who attends the Gardner Academy for Learning and Technology, particularly those students in grades eleven and twelve, take physical education as required.* |

| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS**V. STUDENT SUPPORT SERVICES** |
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|  | **Legal Standard** |
| **CR 10A** | Student handbooks and codes of conduct1. 1. The district has a code of conduct for students and one for teachers.
	2. 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.
	3. The principal of every school containing other grades distributes the district’s student code of conduct to students, parents, and personnel annually.
	4. 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:
	1. procedures assuring due process in disciplinary proceedings and
	2. the district’s responsibility to provide every student with an opportunity to make academic progress during the period of suspension whether in-school, out-of-school, or expulsion.
	3. appropriate procedures for the discipline of students with disabilities and students with Section 504 Accommodation Plans.
	4. if a charter school or a virtual school, the designation by the board of trustees as to who shall serve as the principal and who shall serve as superintendent for the purpose of 603 CMR 53.00.
3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain:
	1. 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, gender identity, religion, or sexual orientation, or discrimination on those same bases;
	2. the school’s procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and
	3. the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.
 |
|  | Section 504; M.G.L. c. 71, § 37H; M.G.L. c. 71, § 37H ¾; 603 CMR 53.00; 603 CMR 26.08 as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicates that the district's student handbook contains the procedure for accepting, investigating and resolving complaints alleging sexual harassment, but does not contain procedures for addressing harassment or discrimination based on race, color, national origin, gender identity, religion, or sexual orientation.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 10B | Bullying Intervention and Prevention1. Public schools (including charter schools and collaboratives) must update school handbooks to conform to their updated amended Bullying Prevention and Intervention Plan (Plan). The school handbook (and local updated Plan) must be consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. The amendments extend protections to students who are bullied by a member of the school staff. As defined in G.L. c. 71, 37O, as amended, a member of the school staff includes, but is not limited to, an “educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.” The school handbook must make clear that a member of the school staff may be named the “aggressor” or “perpetrator” in a bullying report.
2. School and district employee handbooks must also contain relevant sections of the amended Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students by a school staff member.
3. Each year all school districts and schools must give parents and guardians annual written notice of the student-related sections of the local Plan.
4. Each year all school districts and schools must provide all staff with annual written notice of the Plan.
5. All schools and school districts must implement, for all school staff, professional development that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying.
 |
|  | M.G.L. c. 71, s. 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L. c. 71, s. 37O(e)(1) & (2). M.G.L. c. 71, s. 370(d), as amended. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district's Bullying Prevention and Intervention Plan and student handbook extend protections to students who are bullied by a member of the school staff and clarify that a member of the school staff may be named the "aggressor" or "perpetrator" in a bullying report. However, the faculty handbook does not contain the relevant provisions addressing the bullying of students by a school staff member.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 10C | Student DisciplineEach school committee and board of trustees shall ensure that policies and procedures are in place in public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L.c. 71, section 37H ¾, M.G.L.c. 76, section 21, and 603 CMR 53.00. These policies and procedures must address or establish, but are not limited to:1. The notice of suspension and hearing;
2. Procedures for emergency removal;
3. Procedures for principal hearings for both short and long-term suspension;
4. Procedures for in-school suspension;
5. Procedures for superintendent hearing;
6. Procedures for education services and academic progress (School-wide Education Service Plan);
7. A system for periodic review of discipline data by special populations;
8. Alternatives to suspension.
 |
|  | M.G.L.c. 71, section 37H ¾, M.G.L.c. 76, section 21, and 603 CMR 53.00, M.G.L.c. 71 section 38R and Chapter 77 of the Acts of 2013. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district's student discipline policies and procedures for in-school suspensions do not address: 1) the principal's responsibility to inform the student of the disciplinary charge, the basis for the charge, the opportunity to dispute the charges and explain the circumstances; 2) the requirement to inform the student of the length of suspension which may not exceed 10 days, cumulatively or consecutively, in a school year; 3) the principal's responsibility to orally inform the parent of the disciplinary offense, the reasons for concluding that the student committed the infraction and the length of the in-school suspension; 4) the principal's responsibility to invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior; 5) the need to schedule the parent meeting for the day of the suspension or as soon as possible and the need for the principal to document at least two attempts to reach the parent for the purpose of orally informing the parent; and 6) the need for the principal to send written notice to the student and the parent about the in-school suspension, inviting the parent to a meeting if such meeting has not occurred, which must be delivered on the day of the suspension.**Also, there is no School-wide Education Service Plan in place at each school for students who are expelled or suspended for more than 10 consecutive school days.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 16 | Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion1. No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school where the student last attended has sent notice within 5 days from the student’s tenth consecutive absence to the student and the parent/guardian of the student in English and the primary language of the parent or guardian (to the extent practicable). The notice shall offer at least two dates and times for an exit interview between the superintendent (or designee) and the student and the parent/guardian to occur prior to the student permanently leaving school. The notice shall include contact information for scheduling the exit interview and indicate that the parties shall agree to a date and time for the exit interview and that the interview shall occur within 10 days of the notice. The time and the date for the exit interview may be extended at the request of the parent/guardian but for no longer than 14 days. The superintendent or designee may proceed with an exit interview without a parent/guardian if the superintendent or designee makes a good faith effort to include the parent/guardian.
2. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education programs and services available to the student. The superintendent (or designee) shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent/guardian. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and a list of alternative education program and services available to the student.
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
	1. to inform them of the availability of publicly funded post-high school academic support programs and
	2. to encourage them to participate in those programs.

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.1. The Superintendent shall annually report to the Department the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement the student has taken.
 |
|  | M.G.L. c. 76, §§ 5, 18; St. 1965, c. 741 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district does not send written notice to former students who have not yet earned their competency determination and have not transferred to another school, to inform them of the availability of publicly funded post-high school academic support programs and to encourage them to participate in those programs.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 17A | Use of physical restraint on any student enrolled in a publicly-funded education program1. Public education programs must develop and implement written restraint prevention and behavior support policy and procedures consistent with new regulations 603CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.
	1. restraint prevention and behavior support policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students.
	2. restraint prevention and behavior support policy and procedures shall include, but not be limited to: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents and youth in discussions about restraint prevention and use; a description and explanation of the program’s alternatives to physical restraint and method of physical restraint in emergency situations; a statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.03; a description of the program’s training requirements, reporting requirements, and follow-up procedures; a procedure for receiving and investigating complaints; a procedure for conducting periodic review of data and documentation on the program’s use of restraint; a procedure for implementing the reporting requirements; a procedure for making both oral and written notification to the parent; and a procedure for the use of time-out.
2. Each principal or director shall determine a time and method to provide all program staff with training regarding the program’s restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.
3. At the beginning of each school year, the principal of each public education program or his/her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall have in-depth training on the use of physical restraint.
4. The program administers physical restraint on students only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.
 |
|  | M.G.L. c. 71, § 37G; 603 CMR 46.00 effective January 1, 2016 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district's written restraint prevention and behavior support policy and procedures do not include: 1) methods for preventing student violence, self-injurious behavior and suicide; 2) methods for engaging parents and youth in discussions about restraint prevention and use; 3) descriptions and explanations of alternatives to physical restraint; and 4) methods of physical restraint to be used in emergency situations.* |

| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS**VI. FACULTY, STAFF AND ADMINISTRATION** |
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|  | **Legal Standard** |
| **CR 18** | Responsibilities of the school principal1. 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.
2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district’s general education program to 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. (*The plan may be part of a multi-year strategic plan.)*
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.
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.
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|  | M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district has a district curriculum accommodation plan (DCAP) that includes a tiered level of supports at the elementary level (developed during the 2015-2016 SY) and at the middle and high school levels (developed during the 2016-2017 SY). However, interviews indicate that the DCAP is inconsistently implemented across grade levels and staff are not always aware of the plan or understand the supports in place to meet the needs of diverse learners in the general education classroom, including services to address the needs of children whose behavior may interfere with learning and English learners (ELs) with disabilities who are being exited from EL services. In addition, the high school level has instituted a co-teaching model. Interviews, however, indicate that teachers do not consistently utilize the opportunity the Principal has provided for collaboration in designing instruction in the general education classroom. This results in the special education teacher acting in a support role working solely with students with Individualized Education Programs (IEPs). Record review also indicates a lack of consistent documentation of interventions, supports and services to be used as part of the evaluation information reviewed by the IEP Team to determine eligibility for special education.**In addition, the district has instituted a tiered system of support for discipline that is not fully implemented at the high school. As a result, students with behavioral issues who are not successful at the high school may be referred to the Gardner Academy for Learning and Technology.* |

| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)**AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS****VIII. PROGRAM PLAN AND EVALUATION** |
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|  | **Legal Standard** |
| **CR 24** | Curriculum reviewThe district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, 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. |
|  | M.G.L. c. 76, § 5; 603 CMR 26.05(2) as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that individual teachers at the elementary and middle school levels do not consistently review educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 25 | Institutional self-evaluationThe district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, 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. |
|  | 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; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.07(1),(4) as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district does not evaluate all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities.* |

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| **ENGLISH LEARNER EDUCATION****LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
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|  | **Legal Standard** |
| ELE 6 | **Program Exit and Readiness**1. Each school district shall establish criteria, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may no longer be English learners.
2. The district does not reclassify an English Learner (EL) as Former English Learner (FEL) 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.
3. Districts do not limit or cap the amount of time in which an EL can remain in a language support program. An EL only exits from such a program after he or she is determined to be proficient in English.

**Authority: Title VI; EEOA; G.L. c. 71A, § 4; 603 CMR 14.02** |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district reclassifies English learners (ELs) with disabilities before they meet the minimum exit criteria determined by the Department. Therefore, there is no indication showing that students with disabilities can participate meaningfully in all aspects of the district's general education program without the use of adapted or simplified English materials. The district's current reclassification procedures are not in compliance with 603 CMR 14.02 that requires districts to establish exit criteria in accordance with the Department's guidelines. Please see the "Guidance on Identification, Assessment, Placement, and Reclassification of English Language Learners" as found at http://www.doe.mass.edu/ell/guidance/guidance.pdf.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**VIII. PROGRAM PLAN AND EVALUATION** |
| --- | --- |
|  | **Legal Standard** |
| ELE 17 | **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.**Authority: Title VI; EEOA. Title III § 3121**  |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate that the district does not have a comprehensive process to evaluate the effectiveness of its ELE programming in developing students' English language skills and increasing their ability to participate meaningfully in the district's educational program. Please see http://www.doe.mass.edu/ell/resources/ProgramEvaluation.pdf.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**IX. RECORD KEEPING** |
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|  | **Legal Standard** |
| ELE 18 | **Records of ELL Students**ELL student records include:1. home language survey;
2. results of identification and proficiency tests and evaluations;
3. ACCESS for ELLs report;
4. MCAS/PARCC report;
5. information about students' previous school experiences if available;
6. copies of parent notification letters;
7. progress reports, in the native language, if necessary;
8. report cards, in the native language, if necessary;
9. evidence of follow-up monitoring, if applicable;
10. documentation of a parent’s consent to “opt-out” of ESL instruction, if applicable;
11. waiver documentation, if applicable;
12. individualized learning plan (optional).

**Authority: Title VI; EEOA; G.L. c. 69, § 1I; c. 71A, §§ 5, 7; 603 CMR 14.02, 14.04** |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicates that the Home Language Survey, information about the student's previous school experiences and report cards are not consistently maintained in the records of EL students.* |

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| This Coordinated Program Review Final Report is also 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/>. |

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