|  |  |  |
| --- | --- | --- |
| ESE LogoStarLogo08_A |  | **Marblehead Community Charter Public School****COORDINATED PROGRAM REVIEW****REPORT OF FINDINGS****Dates of Onsite Visit:** **May 1-3, 2018****Date of Draft Report:** **July 25, 2018****Date of Final Report: September 11, 2018****Action Plan Due: October 10, 2018****Department of Elementary and Secondary Education Onsite Team Members:****Michelle Hennessy-Kowalchek, Office of Public School Monitoring (PSM) Chair****Matthew Nixon, PSM****Amy Paulin, PSM** |
|  |  | Jeffrey C. RileyCommissioner of Elementary and Secondary Education |
|  |  |  |

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Marblehead Community Charter Public School**

[SCOPE OF COORDINATED PROGRAM REVIEWS 3](#_Toc256000000)

[COORDINATED PROGRAM REVIEW ELEMENTS 4](#_Toc256000001)

[REPORT INTRODUCTION 7](#_Toc256000002)

[DEFINITION OF COMPLIANCE RATINGS 9](#_Toc256000003)

[LEGAL STANDARDS, COMPLIANCE RATINGS AND FINDINGS: 10](#_Toc256000004)

[SPECIAL EDUCATION 11](#_Toc256000005)

[CIVIL RIGHTS AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS 20](#_Toc256000006)

[ENGLISH LEARNER EDUCATION 27](#_Toc256000007)

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Marblehead Community Charter Public School**

**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 2017 - 2018 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 2017 - 2018 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 2017 - 2018 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 English 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 (CCTE)

* 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 68 school districts and charter schools are scheduled for Coordinated Program Reviews in 2017 - 2018, of which all districts participated in the Web-based Monitoring System (WBMS). The Department’s

2017 - 2018 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 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**

#

The Massachusetts Department of Elementary and Secondary Education conducted a Coordinated Program Review in the Marblehead Community Charter Public School during the week of April 30, 2018 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:

* Administrative staff
* Teaching and support services staff
* A special education parent advisory council representative
* Persons from the general public

Student record reviews:

* Special education student records
* English learner student records

Surveys:

* Parents of students with disabilities
* Parents of English learners

Observations of classrooms and other facilities

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**

|  |
| --- |
| 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. |

|  |
| --- |
| **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** | 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. |
|  |
| **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. |

Marblehead Community Charter Public School

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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

|  |  |
| --- | --- |
|

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

 |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 2** | Required and optional assessments1. Required assessments: The following assessments are completed by appropriately credentialed and trained specialists for each referred student:
	1. Assessment(s) in all areas related to the suspected disability(y) (ies) including consideration of any needed assistive technology devices and services and/or instruction in Braille.
	2. Educational assessment by a representative of the school district, including a history of the student’s educational progress in the general curriculum.
	3. Assessment by a teacher(s) with current knowledge regarding the student’s specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district’s general education curriculum, as well as an assessment of the student’s attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
	4. For a student being assessed to determine eligibility for services at age three (3), an observation of the student’s interactions in the student’s natural environment or early intervention program is strongly encouraged together with the use of current assessments from Early Intervention Teams to avoid duplicate testing.
2. Optional assessments: The Administrator of Special Education may recommend or the parent may request one or more of the following:
	1. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student’s school health records.
	2. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination.
	3. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent.
3. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student’s parents the following:
	1. that no further assessments are needed and the reasons for this; and
	2. the right of such parents to request an assessment.
 |
|  | **State Requirements** | **Federal Requirements** |
|  | 603 CMR 28.04 (1) and (2) | 34 CFR 300.304; 300.305;300.324(a)(2)(v) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records indicated that the district does not complete all required educational assessments, including the following: 1) a history of the student’s progress in the general curriculum; and 2) an assessment completed by a teacher with current knowledge regarding the student’s specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks, as well as teacher assessments that address attention skills, participation behaviors, communication skills, memory and social relations with groups, peers and adults.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 3** | Special requirements for determination of specific learning disabilityWhen a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement. |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.8(c)(10); 300.311 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records indicated that when a student suspected of having a specific learning disability is evaluated, the Team does not consistently create a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 11** | School district response to parental request for independent educational evaluationIf a parent disagrees with an initial evaluation or re-evaluation completed by the school district, and the parent requests an independent educational evaluation, the district implements the following requirements:1. All independent educational evaluations funded by the district are conducted by qualified persons who are registered, certified, licensed or otherwise approved and who abide by the rates set by the state agency responsible for setting such rates. Unique circumstances of the student are to be justified when an individual assessment rate is higher than that normally allowed.
2. The school district has procedures to offer parents the option of participating in an income eligibility program for free or reduced cost independent educational evaluations that are equivalent to the types of assessments done by the school district.
3. The district extends the right to a publicly funded independent educational evaluation (only if cost shared or funded for state wards or for students receiving free or reduced cost lunch) for sixteen (16) months from the date of the evaluation with which the parent disagrees.
4. If the parent is requesting an independent education evaluation in an area not assessed by the school district, the student does not meet income eligibility standards or the family chooses not to provide financial documentation to the school district establishing family income level, the school district shall respond in accordance with the requirements of federal law. Within five school days, the district shall either agree to pay for the independent education evaluation or, proceed to the Bureau of Special Education Appeals (BSEA) to show that its evaluation was comprehensive and appropriate. If the Bureau of Special Education Appeals finds that the school district’s evaluation was comprehensive and appropriate, then the school district shall not be obligated to pay for the independent educational evaluation requested by the parent.
5. Whenever possible, the independent educational evaluation is completed and a written report sent no later than thirty (30) days after the date the parent requests the independent educational evaluation. If publicly funded, the report is sent to the parents and to the school district. The independent evaluator’s report summarizes, in writing, procedures, assessments, results, and diagnostic impressions as well as educationally relevant recommendations for meeting identified needs of the student. The independent evaluator recommends appropriate types of placements but does not recommend specific classrooms or schools.
6. Within ten (10) school days from the time the school district receives the report of the independent educational evaluation, the Team reconvenes and considers the independent educational evaluation (which may be publicly or privately funded) and whether a new or amended IEP is appropriate.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(5) | 34 CFR 300.502 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school’s written procedures for response to a parental request for an independent educational evaluation (IEE) do not include that if the Bureau of Special Education Appeals finds that the school district’s evaluation was comprehensive and appropriate, then the school district shall not be obligated to pay for the independent educational evaluation requested by the parent.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 32** | Parent advisory council for special education 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 students 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.
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.
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.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4) |  |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Interviews and parent surveys indicated that the charter school has established a parent advisory council for special education (SEPAC). A review of documents and interviews indicated, however, that the SEPAC does not have established by-laws regarding officers and operational procedures. Interviews also indicated that the charter school does not conduct, in cooperation with the SEPAC, at least one workshop annually on the rights of students and their parents and guardians under the state and federal special education law.* *In addition, the SEPAC does not advise the charter school on matters that pertain to the education and safety of students with disabilities or meet regularly with school officials to participate in the planning, development, and evaluation of the charter school’s special education programs.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 46** | 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 district1. 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 NOT 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:
	1. 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
	2. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. Interim alternative educational setting. 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
	1. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
	2. 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.

Characteristics. 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.1. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS 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.
2. 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.
 |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.530-537 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the charter school's procedures for suspension of students with disabilities do not include the following requirements: 1) suspensions 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) regardless of the manifestation determination, the district may place the student in an interim alternative educational setting 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; 3) provisions for an interim alternative educational setting to enable the student to continue in the general curriculum and continue receiving services identified on the IEP, including services to address the problem behavior; and 4) procedures to indicate that no later than the date of the start of any disciplinary action, the district notifies the parent of the decision and provides written notice of procedural safeguards.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 47** | Procedural requirements applied to students not yet determined to be eligible for special education1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
	1. The parent had expressed concern in writing; or
	2. The parent had requested an evaluation; or
	3. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.

The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.1. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
2. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.
 |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.534 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and parent interviews indicated that the charter school does not have procedural requirements applied to students not yet determined to be eligible for special education.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 54** | **Professional development**1. The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.
2. The district ensures that all staff, including both special education and general education staff, are trained on:
	1. state and federal special education requirements and related local special education policies and procedures;
	2. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles;
	3. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom;
3. The district provides in-service training for all locally hired and contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 71, §§ 38G , 38Q and 38Q ½603 CMR 28.03(1)(a); 28.06(8)(b) and (c) |  |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and interviews indicated that not all staff, including both special education and general education staff, are trained on the following: 1) state and federal special education requirements and related local special education policies and procedures; 2) analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles; and 3) methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom.* |

| **CRITERION****NUMBER** | SPECIAL EDUCATION**VIII. PROGRAM PLAN AND EVALUATION** |
| --- | --- |
|  | **Legal Standard** |
| **SE 56** | Special education programs and services are evaluatedSpecial education programs and services are regularly evaluated. |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 69, section 1AM.G.L. c. 69, section 11M.G.L. c. 71B, section 3 |  |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicated that the charter school has not conducted any evaluations of special education programs or services over the last two years.* |

|  |  |
| --- | --- |
|

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

 |

| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS**V. STUDENT SUPPORT SERVICES** |
| --- | --- |
|  | **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** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and interviews indicated that at the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is not always translated into the primary language.**In addition, document review indicated the charter school does not have a code of conduct for staff.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **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** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the charter school’s Bullying Prevention and Intervention Plan has not been updated and is not consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. Specifically, student handbooks do not make clear that a member of the school staff may be named the "aggressor" or "perpetrator" in a bullying report.**Additionally, a review of documents and interviews indicated that the charter school does not provide all school staff with professional development that includes developmentally appropriate strategies to prevent bullying incidents.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **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** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school’s student discipline policy regarding the procedures for the superintendent hearing does not specifically identify the requirement that all participants shall be informed before the hearing that an audio record will be made.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **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** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and interviews indicated that the charter school has not developed and implemented written restraint prevention and behavior support policy and procedures consistent with regulations under 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. The school has, thereby, not provided staff with training on the new regulations, provided staff with a copy of the policy and procedures, or made the policy and procedures available to parents. A review of documents and staff interviews indicated that the charter school has identified program staff to serve as school-wide resources for the administration of restraint and provided school-wide resource staff with in-depth training on the use of physical restraint.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **CR 21** | Staff training regarding civil rights responsibilitiesThe 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, gender identity, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting. |
|  | 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; M.G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2), (3) as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the charter school does not provide 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, gender identity, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.* |

| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)**AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS****VIII. PROGRAM PLAN AND EVALUATION** |
| --- | --- |
|  | **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:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and interviews indicated that the charter school does not ensure that individual teachers 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.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **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** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and interviews indicated that the charter school does not annually evaluate all aspects of its 4-8 programming 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.* |

|  |  |
| --- | --- |
|

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

 |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
| --- | --- |
|  | **Legal Standard** |
| ELE 3 | **Initial Identification of ELs FELs**1. The district uses qualified staff, appropriate procedures, and state-required assessments to identify students who are ELs and to assess their level of English proficiency in reading, writing, speaking, and listening, as appropriate for their grade.
2. Each school district shall establish procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may be ELs and assess their level of English proficiency upon their enrollment in the school district.
3. Each school district shall establish written procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who are Former English Learners (FELs) to be able to design and implement a process for routinely monitoring those students' academic progress for four years following their reclassification.

**Authority: Title VI; EEOA; G.L. c. 71A, §§ 4, 5; 603 CMR 14.02; G.L c. 76, § 5; 603 CMR 26.03** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school did not complete the required documentation to inform the Department of the charter school’s initial identification policy and procedures. Therefore, it is not clear whether the charter school uses qualified staff and appropriate procedures and assessments to identify students who are English learners (Els) and to assess their level of English proficiency in reading, writing, speaking, and listening. The Department determines that the charter school is not in compliance with 603 CMR 14.02(1) that requires districts and charter schools to establish procedures in accordance with the Department’s guidelines.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
| --- | --- |
|  | **Legal Standard** |
| ELE 5 | **Program Placement and Structure**1. The district uses assessment data to plan and implement educational programs for students at different instructional levels.
2. G.L. c. 71A, sections 4 and 5 require that students classified as ELs be educated either in a Sheltered English Immersion (SEI) program or Two-Way Immersion program (TWI), unless a program waiver is sought for another ELE program model, such as Transitional Bilingual Education (TBE). The requirement to provide English language development services to ELs applies to all districts that enroll one or more EL students.
3. Districts are required to include ESL instruction in the implementation of their ELE program to advance English language development and promote academic achievement of ELs.

**Authority: Title VI; EEOA; G.L. c. 71A, §§ 2, 4, 7; 603 CMR 7.15(9)b.; 603 CMR 14.07** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *When determining whether a school district’s ELE program complies with federal and state laws and regulations, the Department applies the three-pronged test established by the United States Court of Appeals for the Fifth Circuit in Castañeda v. Pickard. “OELAAA Form 5: Integration of Castañeda’s Three-Pronged Test into ELE Program Review Process” is a tool developed by the Department for this purpose and is used to evaluate the adequacy of a district's program for ELs. Since the documentation submitted by the district included a blank copy of the form, there is no indication that ELE services provided by the district reflect a sound educational approach recognized as a legitimate educational strategy to teach EL students English language skills.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
| --- | --- |
|  | **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; ESEA; EEOA; G.L. c. 71A, § 4; 603 CMR 14.02** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school’s reclassification procedures do not refer to DESE’s current cut scores required for reclassification. The charter school’s current reclassification procedures are not in compliance with 603 CMR 14.02 that requires charter schools to establish exit criteria in accordance with the Department’s guidelines.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**III. PARENT AND COMMUNITY INVOLVEMENT** |
| --- | --- |
|  | **Legal Standard** |
| ELE 7 | **Parent Involvement**The district develops ways to include parents or guardians of ELs in matters pertaining to their children's education and ELE programs.**Authority: Title VI; EEOA; ESEA; G.L. c. 71A, § 7** |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Staff interviews indicated that the charter school has a bilingual family liaison and coordinates translation and interpretation through an agency. However, submitted documentation does not indicate that the charter school always provides language assistance to parents whose preferred language is not English and, therefore, does not always meet the obligation to communicate effectively with parents to include them in matters pertaining to their children’s education.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**V. STUDENT SUPPORT SERVICES** |
| --- | --- |
|  | **Legal Standard** |
| ELE 13 | **Follow-Up Support**1. The district actively monitors students who have exited an ELE education program for four years and provides language support to those students, if needed.
2. The district provides language support, if needed, to remedy any academic deficits the student incurred as a result of participation in the ELE program.

**Authority: Title VI; EEOA; ESEA** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school does not have policies and procedures to monitor students who are Former English learners (FELs) and, therefore, is not in compliance with**Title VI and ESEA that require charter schools to have policies and procedures to monitor FELs for four years and to provide support as needed.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**VI. FACULTY, STAFF AND ADMINISTRATION** |
| --- | --- |
|  | **Legal Standard** |
| ELE 14 | **Licensure Requirements**Licensure requirements for districts where ELs are enrolled:Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language or Transitional Bilingual Education, or ELL license under G.L. c.71**,** § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.)Except at Commonwealth charter schools, *every* teacher or other educational staff member who teaches ELs holds an appropriate license or current waiver issued by the Massachusetts Department of Elementary and Secondary Education.Core academic teachers who provide sheltered English instruction to English learners in school districts, including charter schools and education collaboratives, must earn an SEI Teacher Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00. Principals, assistant principals, and supervisors/directors who supervise or evaluate such teachers must earn an SEI Teacher Endorsement or SEI Administrator Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00.Any core academic teacher who is assigned to provide sheltered English instruction to an EL shall either hold an SEI Teacher Endorsement, or is required to earn such an endorsement within one year from the date of the assignment. Any school district that assigns an EL to a core academic teacher who has a year to obtain an SEI endorsement, shall take all reasonable steps to ensure that such EL is assigned to core academic teachers with an SEI endorsement in subsequent school years.No principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an EL unless such principal, assistant principal, or supervisor/director holds an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.Except at Commonwealth charter schools, any director of ELE program(s) who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language (ESL), Transitional Bilingual Education (TBE) or an ELL license.If a district with 200 or more ELs—including all charter schools with 200 or more ELs—has a director of EL programs, that director must have an English as a Second Language, Transitional Bilingual Education, or an EL 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.)**Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(ii); St. 2002, c. 218, §§ 24, 25, 30; 603 CMR 7.04(3), 7.09(3); 603 CMR 7.14 (1) and (2); 603 CMR 7.15(9)(b); 603 CMR 14.07.** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school does not have any teacher assigned to provide ESL instruction who has an English as a Second Language license. As a result, English learners participate in sheltered English classrooms with no access to a qualified ESL teacher for systematic language acquisition classes.* *A review of state-based data also indicated that administrators assigned to supervise or evaluate core academic teachers who provide sheltered English instruction to English learners do not hold the SEI Teacher Endorsement or the SEI Administrator Endorsement.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**VI. FACULTY, STAFF AND ADMINISTRATION** |
| --- | --- |
|  | **Legal Standard** |
| ELE 15 | **Professional Development Requirements**1. Districts with ELs must develop a professional development plan and provide training for teachers in second language acquisition techniques for the re-certification of teachers and administrators. In accordance with 603 CMR 44.06(1)(a), as of July 1, 2016, educators with professional licenses must earn at least 15 Professional Development Points related to SEI or English as a Second Language in order to be eligible to renew their licenses.
2. Districts awarded Title III funds must provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is:

(A) designed to improve the instruction and assessment of ELs;(B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs;(C) effective in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate.**Authority: ESEA; EEOA; 603 CMR 14.07;** **G.L. c. 71, §§ 38G and 38Q; 603 CMR 44.06(1)(a).** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school has not developed a professional development plan to provide educators with training in second language acquisition techniques in accordance with 603 CMR 44.06(1)(a) that requires educators to earn 15 Professional Development Points (PDPs) related to SEI or ESL for re-certification.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**IX. RECORD KEEPING** |
| --- | --- |
|  | **Legal Standard** |
| ELE 18 | **Records of ELs**EL student records include:1. home language survey;
2. results of identification and proficiency tests and evaluations;
3. ACCESS for ELLs report;
4. MCAS 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** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and statements from the charter school indicated that the charter school does not consistently keep all required documents in EL student records.* |

|  |
| --- |
| 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/>. |

|  |
| --- |
| WBMS Final Report 2018 |
| File Name: | Marblehead Community Charter Public School CPR Final Report 2018 |
| Last Revised on:  | **September 11, 2018** |
| Prepared by: | **MHK/AP/SH** |

21 67 11