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| ESE Logo  **Tiered Focused Monitoring Report**  **for Group A Universal Standards**  **Special Education and Civil Rights**  **District: Dennis-Yarmouth Regional School District**  **Onsite Date: May 2, 2019**  **Tier Level: 1**  State Seal of Massachusetts |
| Jeffrey C. Riley  Commissioner of Elementary and Secondary Education |

During the 2018-2019 school year, Dennis-Yarmouth Regional School District participated in a Tiered Focused Monitoring Review conducted by the Department’s Office of Public School Monitoring. The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

Districts and charter schools are reviewed every three years through Tiered Focused Monitoring. This review process emphasizes elements most tied to student outcomes, and alternates the focus of each review on either Group A Universal Standards or Group B Universal Standards.

Group A Universal Standards address:

* Student identification
* IEP development
* Programming and support services
* Equal opportunity

Group B Universal Standards address:

* Licensure and professional development
* Parent/student/community engagement
* Facilities and classroom observations
* Oversight
* Time and learning
* Equal access

In addition, the Department has reserved a specific set of criteria, collectively known as Targeted Standards, employed when LEA or school-level risk assessment data indicate that there is a potential issue. Identified Targeted Standards are assessed in addition to the Universal Standards.

Universal Standards and Targeted Standards are aligned with the following regulations:

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.

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.

Tiered Focused Monitoring allows for differentiated monitoring based on a district/charter school’s level of need; the Tiers are defined as follows:

LEAs in Tiers 1 and 2 have been determined to have no or low risk:

* Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements.
* Tier 2/Directed Improvement: No demonstrated risk in areas with close link to student

outcomes – low risk.

LEAs in Tiers 3 and 4 have demonstrated greater risk:

* Tier 3/Corrective Action: Areas of concern include both compliance and student

outcomes – moderate risk.

* Tier 4/Cross-unit Support and Corrective Action: Areas of concern have profound effect on student outcomes and ongoing compliance – high risk.

The phases of Tiered Focused Monitoring for Dennis-Yarmouth Regional School District included:

Self-Assessment Phase:

* District reviewed special education and civil rights documentation for required elements including document uploads.
* District reviewed a sample of special education student records selected across grade levels, disability categories and levels of need.
* Upon completion of these two internal reviews, the district’s self-assessment was submitted to the Department for review.

On-site Verification Phase:

* Review of student records for special education: The Department selected 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 conducted this review, using standard Department procedures, to determine whether procedural and programmatic requirements are being met.
* Review of additional documents for special education or civil rights.
* Surveys of parents of students with disabilities: Parents of students with disabilities were sent a survey to solicit information regarding their experiences with the district’s implementation of special education programs, related services, and procedural requirements.
* Interviews of 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.

**Report: For Tier 1 & 2 Tiered Focused Monitoring Reviews**

Following the onsite visit, the onsite team holds an informal exit meeting to summarize its comments for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the onsite chairperson forwards to the superintendent or charter school leader the findings from the Tiered Focused Monitoring Review. All districts/charter schools in Tiers 1 and 2, as part of the reporting process, then develop a Continuous Improvement and Monitoring Plan (CIMP) for any criteria receiving a rating of "Partially Implemented," "Not Implemented," and “Implementation in Progress.” The CIMP outlines an action plan, identifies the success metric, describes the measurement mechanism and provides a completion timeframe to bring those areas into compliance with the controlling statute or regulation. Districts and charter schools are expected to incorporate the CIMP actions into their district and school improvement plans, including their professional development plans.

**SUMMARY OF INDICATOR DATA REVIEW**

As part of the self-assessment process for districts or charter schools undergoing a review for Group A Universal Standards, the onsite team reviewed the results of Indicator data submissions for Indicators 11, 12 and 13. For any Indicator data noncompliance found, the district or charter school must develop and implement corrective action that includes correcting noncompliance for the individual students affected by it, addressing the root cause and underlying reasons for the identified noncompliance, and reviewing additional records as evidence that the issues have been corrected and that requirements are being met. The Office of Special Education Programs (OSEP) requires correction of noncompliance within one year of the finding.

The results of the Department’s analysis regarding these Indicators are as follows:

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|  | **Compliant** | **Non-Compliant** | **Not Applicable** |
| **Indicator 11 – Initial**  **Evaluation Timelines** |  | X |  |
| **Indicator 12 – Early**  **Childhood Transition** | X |  |  |
| **Indicator 13 –**  **Secondary Transition** | X |  |  |

# **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. |
| **Not Applicable** | The requirement does not apply to the school district or charter school. |

**Dennis-Yarmouth Regional School District**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3,  SE 3A, SE 6, SE 7, SE 9, SE 9A, SE 10, SE 11, SE 12, SE 13, SE 14, SE 17,  SE 18A, SE 19,  SE 22, SE 26, SE 29, SE 34, SE 37, SE 38, SE 39, SE 40, SE 41, SE 42, SE 43, SE 48, SE 49 | CR 13, CR 14, CR 18 |
| **PARTIALLY**  **IMPLEMENTED** | SE 8, SE 20, SE 25 |  |
| **NOT IMPLEMENTED** |  |  |

The review instruments, that include the regulatory requirements specific to the special education and civil rights criteria referenced in the table above, can be found at <http://www.doe.mass.edu/psm/tfm/default.html>.

| **Improvement Area** **1** |
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| **Criterion:** SE 8 - IEP Team composition and attendance |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that when a required IEP Team member is unable to attend the Team meeting, specifically general education teachers for students involved in the general education program and related service providers when the IEP meeting involves a modification or discussion of related services, the Team member is not consistently excused in writing by the parent. Record review also indicated that the required Team member does not provide written input for the development of the IEP to the parent and the IEP Team prior to the meeting. |
| **LEA Outcome:** At the end of the corrective action cycle, the school district will have met its obligation of full compliance for SE Criterion #8 - IEP Team composition and attendance. |
| **Action Plan:** By November 5, 2019, the district will develop procedures to ensure required IEP Team members who do not attend the IEP meeting are excused in writing by the parent, and the absent members provide written input into the development of the IEP.  By November 5, 2019, training on these procedures will be conducted by the Director of Pupil Services for Team chairpersons and the school psychologist. Documentation to be maintained in Central Office will include: training attendance sign-in sheet; Dennis-Yarmouth Special Education Manual; and DESE Special Education Regulations Manual.  By February 3, 2020, randomly selected student records will be reviewed at each school to determine whether the required documentation for absent required IEP Team members is appropriately maintained in student records. If there is less than 100% compliance, the root cause will be determined and additional corrective actions will be planned and implemented. A checklist will be created and kept in the Pupil Services Department to record the results of the record review. |
| **Success Metric:** 100% compliance regarding IEP Team attendance. |
| **Measurement Mechanism:** Staff training attendance sign-in sheet.  Checklist showing results of the internal student record review. |
| **Completion Timeframe:** 02/03/2020 |
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| **Improvement Area 2** |
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| **Criterion:** SE 20 - Least restrictive program selected |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records indicated that if the student is removed from the general education classroom at any time, the IEP Team does not consistently state why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. |
| **LEA Outcome:** At the end of the corrective action cycle, the school district will have met its obligation of full compliance with SE Criterion #20 - Least restrictive program selected. |
| **Action Plan:** By November 5, 2019, the Director of Pupil Services will conduct training for Team chairpersons and the school psychologist on the least restrictive program requirements and how to complete the Nonparticipation Justification section of the IEP. Documentation to be maintained in Central Office will include: training attendance sign-in sheet; Dennis-Yarmouth Special Education Manual; and DESE Special Education Regulations Manual.  By February 3, 2020, an internal review of random student records from each school will be conducted to ensure compliance following the training. If there is less than 100% compliance, the district will determine the root cause and plan additional corrective action. A checklist will be created and kept in the Pupil Services Department to record the results of the record review. |
| **Success Metric:** 100% compliance regarding the completion of the Nonparticipation Justification section of the IEP. |
| **Measurement Mechanism:** Attendance sheet from training.  Team chairpersons will facilitate a meeting with educators at their schools for discussion about these requirements.  Checklist showing results of the internal student record review of the Nonparticipation Justification section of the IEP. |
| **Completion Timeframe:** 02/03/2020 |
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| **Improvement Area 3** |
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| **Criterion:** SE 25 - Parental consent |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records indicated that, when the school district is unable to obtain parental consent to a re-evaluation or to placement in a special education program subsequent to the initial placement, the district does not always consider with the parent whether such action will result in the denial of a free appropriate public education to the student. |
| **LEA Outcome:** At the end of the corrective action cycle, the school district will have met its obligation of full compliance with SE Criterion #25 - Parental consent. |
| **Action Plan:** By November 5, 2019, the district will develop a process and procedures to ensure that when the district is unable to obtain parental consent for a re-evaluation or placement in a special education program subsequent to the initial placement, the district will consistently consider with the parent whether such action will result in the denial of a free appropriate public education to the student.  By November 5, 2019, the Director of Pupil Services will conduct training for Team chairpersons and the school psychologist on regulatory requirements and on the newly developed procedures.  Documentation to be maintained in Central Office will include: training attendance sign-in sheet; Dennis-Yarmouth Special Education Manual; and DESE Special Education Regulations Manual.  By February 3, 2020, the district will conduct an internal review of student records from each school for records awaiting parental consent for a re-evaluation or placement in a special education program subsequent to the initial placement. If the school district is unable to obtain parental consent, the district will consider with the parent whether such action will result in the denial of a free appropriate public education to the student. A checklist will be created and kept in the Pupil Services Department to record the results of the record review and to indicate follow-up activities when the district has been unable to obtain parental consent. |
| **Success Metric:** 100% compliance regarding parental consent. |
| **Measurement Mechanism:** Training attendance sheet.  Checklist showing results of the student record review and follow-up activities when the district has been unable to obtain parental consent. |
| **Completion Timeframe:** 02/03/2020 |
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