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| Title: ESE Logo  **Tiered Focused Monitoring Report**  **for Group A Universal Standards**  **Special Education and Civil Rights**  **District: Hamilton-Wenham Regional School District**  **Onsite Date: January 3, 2018**  **Tier Level: 2**  State Seal of Massachusetts |
| Jeffrey C. Riley  Commissioner of Elementary and Secondary Education |

During the 2018-2019 school year, Hamilton-Wenham 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 Hamilton-Wenham Regional School District included:

Self-Assessment Phase:

* The district reviewed special education and civil rights documentation for required elements including document uploads.
* The 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.

**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.

# **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. |

**Hamilton-Wenham 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 3A, SE 6, SE 9, SE 9A, SE 10, SE 12,  SE 13, SE 14,  SE 17, SE 18A,  SE 19, SE 20,  SE 22, SE 25,  SE 26, SE 29,  SE 34, SE 37,  SE 38, SE 40,  SE 41, SE 42,  SE 43, SE 48, SE 49 | CR 13, CR 14 |
| **PARTIALLY**  **IMPLEMENTED** | SE 3, SE 7, SE 8,  SE 11, SE 39 | CR 18 |
| **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/resources/default.html>.

**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** |  |

| **Improvement Area** **1** |
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| **Criterion:** SE 3 - Special requirements for determination of specific learning disability |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that when a student suspected of having a specific learning disability is evaluated, IEP Teams do not consistently complete all four components used to determine a specific learning disability. Record review demonstrated that IEP Teams are not always conducting the required observation (SLD component 4).  In addition, student records indicated that although IEP Teams consistently create a written determination (mandated form 28M/10) as to whether or not the student has a specific learning disability, not all Team members sign the written determination or, if there is disagreement as to the determination, Team members do not document their disagreement. |
| **LEA Outcome:** Hamilton-Wenham Public Schools will ensure that all four SLD components are used to determine if a student has a specific learning disability and will consistently create a written determination, signed by all Team members, as to whether or not the student has a specific learning disability. If there is disagreement as to the determination, the district will ensure that Team members document their disagreement. |
| **Action Plan:** By June 14, 2019, Hamilton-Wenham Public Schools will draft written procedures to guide special education staff to ensure that all four SLD components are used to determine if a student has a specific learning disability, and that written determination is created regarding whether or not the student has a specific learning disability. If there is disagreement as to the determination, the district will ensure that Team members document their disagreement.  By September 13, 2019, Hamilton-Wenham Public Schools will train its special education staff on the procedures for determining if a student has a specific learning disability. The district will do this by reviewing requirements with coordinators and the out-of-district Team chairperson who will then review the content with all special education staff.  By December 6, 2019, Hamilton-Wenham Public Schools will implement an internal monitoring and tracking system to ensure all four SLD components are used to determine if a student has a specific learning disability and that signed written determination is created regarding whether or not the student has a specific learning disability. If there is disagreement as to the determination, the district will ensure that Team members document their disagreement. |
| **Success Metric:** By December 6, 2019, 100% of Hamilton-Wenham's IEPs will contain evidence that all four SLD components were used to determine if a student has a specific learning disability.  By December 6, 2019, 100% of Hamilton-Wenham's IEPs will possess a written determination, signed by all Team members, as to whether or not the student has a specific learning disability or, if there is disagreement, Team member(s) document their disagreement.  Evidence:  \* Procedures to guide special educators  \* Agendas, training materials and attendance sheets from training  \* Results of record reviews  \* Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after the completion deadline:  Each trimester, the Director of Student Services will review at least five student records to ensure that all four SLD components are used to determine if a student has a specific learning disability.  Each trimester, the Director of Student Services will review at least five student records to ensure a written determination as to whether or not the student has a specific learning disability was created and signed by all Team members or, if there was disagreement as to the determination, that Team members documented their disagreement. |
| **Completion Timeframe:** 12/06/2019 |
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| **Improvement Area 2** |
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| **Criterion:** SE 7 - Transfer of parental rights at age of majority and student participation and consent at the age of majority |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that the school district does not consistently inform students and parents, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. |
| **LEA Outcome:** Hamilton-Wenham Public Schools will ensure that all students are informed, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. |
| **Action Plan:** By June 14, 2019, Hamilton-Wenham Public Schools will establish a written procedure outlining staff responsibilities pertaining to the transfer of parental rights at age of majority, including informing students and parents, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. This written procedure will be uploaded to the special education drive for staff reference.  By September 13, 2019, Hamilton-Wenham Public Schools will train its special education staff on procedures for informing students and parents, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday.  By December 6, 2019, Hamilton-Wenham Public Schools will conduct a record review after the training to determine whether students and parents were informed, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. |
| **Success Metric:** By December 6, 2019, 100% of Hamilton-Wenham's students with disabilities and their parents will be informed, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday.  Evidence:  \* Procedures to guide special educators  \* Agendas, training materials and attendance sheets from training  \* Results of record reviews  \* Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after the completion deadline:  Each trimester, the Director of Student Services will review at least five student records to determine whether students with disabilities and their parents were informed, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. |
| **Completion Timeframe:** 12/06/2019 |
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| **Improvement Area 3** |
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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 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 unexcused required Team members do not consistently provide written input for the development of the IEP to the parent and the IEP Team prior to the meeting. |
| **LEA Outcome:** Hamilton-Wenham Public Schools will ensure that all Team members listed on the Attendance Sheet (N 3A) attend the Team meeting.  When a Team member cannot attend the meeting, the district will:  use alternative means, such as a video conference or a conference call, with the parent's agreement; or  agree with the parent, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed; or  agree with the parent, in writing, to excuse the required Team member's participation and the excused member will provide written input into the development of the IEP to the parent and the IEP Team prior to the meeting. |
| **Action Plan:** By June 14, 2019, Hamilton-Wenham Public Schools will establish a written procedure for IEP Team composition to ensure the attendance of Team members or their excusal, if applicable. This written procedure will be uploaded to the special education drive for staff reference.  By September 13, 2019, Hamilton-Wenham Public Schools will train its special education staff on procedures for IEP Team composition.  By December 6, 2019, Hamilton-Wenham Public Schools will conduct a record review after the training to determine whether absent required Team members were excused in writing by the parent, and these Team members provided written input for the development of the IEP prior to the meeting. |
| **Success Metric:** By December 6, 2019, 100% of Hamilton-Wenham's IEP Team meetings will have all Team members present or appropriately excused in writing. All excused Team members will have provided written input for the development of the IEP to the parent and the IEP Team prior to the meeting.  Evidence:  \* Procedures to guide special educators  \* Agendas, training materials and attendance sheets from training  \* Results of record reviews  \* Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after the completion deadline:  Each trimester, the Director of Student Services will review at least five student records to ensure that when a required Team member is unable to attend the meeting, the member’s attendance was excused in writing, and the excused member provided written input for the development of the IEP to the parent and the IEP Team prior to the meeting. |
| **Completion Timeframe:** 12/06/2019 |
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| **Improvement Area 4** |
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| **Criterion:** SE 11 - School district response to parental request for independent educational evaluation |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that when the school district receives the report of an independent educational evaluation, the IEP Team does not consistently reconvene within 10 days to consider the independent educational evaluation and whether a new or amended IEP is appropriate. |
| **LEA Outcome:** Hamilton-Wenham Public Schools will ensure that when the school district receives the report of an independent educational evaluation, the IEP Team reconvenes within 10 days to consider the independent educational evaluation and whether a new or amended IEP is appropriate. |
| **Action Plan:** By June 14, 2019, Hamilton-Wenham Public Schools will establish a written procedure for when the school district receives the report of an independent educational evaluation. This procedure will be uploaded to the special education drive for staff reference.  By September 13, 2019, Hamilton-Wenham Public Schools will train its special education staff on the procedure for when the school district receives the report of an independent educational evaluation.  By December 6, 2019, Hamilton-Wenham Public Schools will conduct a record review after the training to determine that when the school district received the report of an independent educational evaluation, the IEP Team reconvened within 10 days to consider the independent educational evaluation and whether a new or amended IEP is appropriate. |
| **Success Metric:** By December 6, 2019, upon receipt of an independent educational evaluation report, the IEP Team will reconvene within 10 days to consider the independent educational evaluation and whether a new or amended IEP is appropriate 100% of the time.  Evidence:  \* Procedures to guide special educators  \* Agendas, training materials and attendance sheets from training  \* Results of record reviews  \* Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after the completion deadline:  Each trimester, the Director of Student Services will review at least five student records to determine that when the district received the report of an independent educational evaluation, the IEP Team reconvened within 10 days to consider the independent educational evaluation and whether a new or amended IEP is appropriate. |
| **Completion Timeframe:** 12/06/2019 |
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| **Improvement Area 5** |
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| **Criterion:** SE 39 - Procedures used to provide services to eligible students enrolled in private schools at private expense |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that the school district does not provide ongoing timely and meaningful consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, or parents of home schooled students. |
| **LEA Outcome:** Hamilton-Wenham Public Schools will ensure that the school district provides ongoing timely and meaningful consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, or parents of home-schooled students. |
| **Action Plan:** By June 14, 2019, Hamilton-Wenham Public Schools, specifically the Director of Student Services, will seek technical assistance from SEPP staff member Andrea Cote to gain additional understanding.  By September 13, 2019, Hamilton-Wenham Public Schools will develop written procedures, in compliance with DESE guidelines (Proportionate Share), for providing services to eligible students enrolled in private schools at private expense. These procedures will assign oversight responsibilities to a coordinator.  By September 13, 2019, Hamilton-Wenham Public Schools will designate and train a coordinator on the legal requirements and district procedures.  By December 6, 2019, Hamilton-Wenham Public Schools will review its activities with private school representatives, representatives of parents of parentally-placed private school children with disabilities, or parents of home-schooled students to ensure that consultation is ongoing, timely, and meaningful. |
| **Success Metric:** By December 6, 2019, Hamilton-Wenham Public Schools will consistently provide ongoing timely and meaningful consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, or parents of home-schooled students.  Evidence:  \* Consultation with DESE  \* Procedures to guide coordinator  \* Consultation with representatives  \* Agendas, training materials and attendance sheets from training  \* Results of review of consultation  \* Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after the completion deadline:  The Director of Student Services will continue to review its activities to determine if consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, or parents of home-schooled students is ongoing, timely, and meaningful. |
| **Completion Timeframe:** 12/06/2019 |
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| **Improvement Area 6** |
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| **Criterion:** CR 18 - Responsibilities of the school principal |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that the district has a district curriculum accommodation plan (DCAP) that was developed in 2014. However, the DCAP does not address appropriate services for linguistic minority students, parental involvement, or consultation between principals and the administrator of special education. Interviews also indicated that the DCAP is inconsistently implemented across schools, as not all staff understand what supports are available to meet the needs of diverse learners in the general education classroom. |
| **LEA Outcome:** Hamilton-Wenham Public Schools will have a curriculum accommodation plan that ensures all efforts are made to meet the needs of diverse learners in the general education program. |
| **Action Plan:** By June 14, 2019, Hamilton-Wenham Public Schools will revise the district's 2014 curriculum accommodation plan and finalize the 2019 curriculum accommodation plan.  By August 14, 2019, Hamilton-Wenham Public Schools will finalize the 2019 curriculum accommodation plan.  By September 13, 2019, Hamilton-Wenham Public Schools will train all staff on the 2019 curriculum accommodation plan.  By December 6, 2019, Hamilton-Wenham Public Schools will conduct meetings with district and building administrators to assess the implementation of the curriculum accommodation plan referencing observations and events occurring during the 2019-20 school year. |
| **Success Metric:** By December 6, 2019, 100% of Hamilton-Wenham's schools will ensure all efforts have been made to meet the needs of diverse learners in the general education program by utilizing the district's curriculum accommodation plan and consistently implementing applicable supports across schools.  Evidence:  \* Revised DCAP  \* Agendas, training materials and attendance sheets from training  \* Agenda from meeting of administrators |
| **Measurement Mechanism:** Continuing after the completion deadline:  Each trimester, the Director of Student Services will review at least five student records where an initial evaluation was conducted to determine if the student received accommodations within the general education setting before being referred for testing.  Twice a year, district and building administrators will assess the implementation of the curriculum accommodation plan referencing observations and events occurring during the 2019-20 school year. |
| **Completion Timeframe:** 12/06/2019 |
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