

**Phoenix Academy Public Charter High School Springfield**

**Tiered Focused Monitoring Report**

**For** **Group B Universal Standards**

**Tier Level** **2**

**Date of Onsite Visit:** **February 6, 2020**

**Date of Final Report: January 8, 2021**



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Commissioner of Elementary and Secondary Education

During the 2019-2020 school year, Phoenix Academy Public Charter High School Springfield 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.

School 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 Phoenix Academy Public Charter High School Springfield included:

Self-Assessment Phase:

* Charter school reviewed special education and civil rights documentation for required elements including document uploads.
* Charter school 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 charter school’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 charter school 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 charter school’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.
* Observations of classrooms and other facilities: The onsite team visited a sample of classrooms and school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

**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. |

**Phoenix Academy Public Charter High School Springfield**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 15, SE 35, SE 36, SE 50, SE 51, SE 52, SE 52A, SE 54, SE 55, SE 56 | CR 3, CR 7,  CR 7A, CR 7B, CR 7C, CR 12A, CR 16, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 | SE 44, SE 45,  SE 46, SE 47 |
| **PARTIALLY**  **IMPLEMENTED** |  | CR 10A, CR 10B, CR 10C, CR 17A |  |
| **NOT IMPLEMENTED** | SE 32 |  |  |

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 [www.doe.mass.edu/psm/resources/default.html](http://www.doe.mass.edu/psm/resources/default.html).

| **Improvement Area** **1** |
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| **Criterion:** SE 32 - Parent advisory council for special education |
| **Rating:** Not Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that the charter school has not established a parent advisory council on special education. In addition, the charter school has not provided an annual workshop on the rights of students and their parents and guardians under the state and federal special education laws. |
| **LEA Outcome:** Phoenix Charter Academy, Springfield has existing by-laws, however, the charter school did not have enough parent interest to elect officers and establish the parent advisory council on special education (SEPAC). The charter school was unable to get a group of parent members to attend consistently and who would be willing to take on leadership roles within the SEPAC.  Phoenix Charter Academy, Springfield will hold three Special Education Advisory Council meetings for the remainder of the school year. This will include the first one reviewing the rights of students and their parents and guardians under state and federal special education laws.  Phoenix Charter Academy, Springfield will make every effort to establish a Special Education Advisory Council. If the school is unsuccessful in establishing a SEPAC, the charter school will submit a waiver request to the Problem Resolution Office. |
| **Action Plan:** By February 26, 2021, Phoenix Charter Academy, Springfield will have held the annual workshop regarding parents' rights.  By May 20, 2021, Phoenix Charter Academy, Springfield will have established a SEPAC.  By May 20, 2021, if Phoenix Charter Academy, Springfield has not been successful in establishing a SEPAC, the charter school will submit a waiver request to the Problem Resolution Office.  Please refer to *Administrative Advisory Parent Councils, Acceptable Alternatives, and Use of Social Media: 2015-2R* <https://www.doe.mass.edu/sped/advisories/2015-2r.html>. Also, please also refer to <https://www.doe.mass.edu/prs/sa-nr/default.html> that outlines the requirements and forms for completing the waiver process.  If Phoenix Charter Academy, Springfield pursues a waiver, the Office of Public School Monitoring will coordinate with the Office of Problem Resolution. |
| **Success Metric:** To demonstrate success for each of the facilitated meetings and the establishment of a SEPAC, the following documents will be provided as evidence:  - Slide deck from each meeting, including the annual rights workshop  - Agenda and meeting minutes from each meeting, including how the established SEPAC advised the charter school on matters that pertain to the education and safety of students with disabilities and meeting regularly with school officials to participate in the planning, development, and evaluation of the charter school's special education programs  - Sign-in sheet of all parent participants  - Copies of correspondence sent to families to advertise each meeting  - A list of officers for the established SEPAC  If the charter school is unable to establish a SEPAC, the school will provide an approved SEPAC waiver from DESE. |
| **Measurement Mechanism:** To ensure that the charter school holds the annual workshop at the beginning of the school year, the Director of Special Education will schedule 1-2 preliminary planning meetings in July with the Head of School to complete initial planning around the SEPAC. From there, the Director of Special Education will connect with the Head of School a month prior to the next scheduled SEPAC meeting to ensure adequate advertisement has been made.  Also, the charter school will ensure a SEPAC is established and/or continue to revisit annually. If the charter school must submit a waiver and it is approved, Phoenix Charter Academy, Springfield will review its membership annually and ensure it is meeting the requirements of the waiver. |
| **Completion Timeframe:** 05/20/2021 |
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| **Improvement Area 2** |
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| **Criterion:** CR 10A - Student handbooks and codes of conduct |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that the charter school's 2019-2020 Scholar Handbook does not include procedures for the discipline of students with disabilities, students not yet determined eligible for special education services, and students with Section 504 Accommodation Plans.  In addition, the Handbook does not include procedures assuring due process in disciplinary proceedings for all students, including:  1) procedures for principal hearings for both short- and long-term suspension;  2) procedures for in-school suspension; and  3) procedures for a hearing with the Head of School.  The 2019-2020 Scholar Handbook for Phoenix Charter Academy, Springfield has not been published on the school's website. |
| **LEA Outcome:** Phoenix Charter Academy, Springfield is going to update the Scholar Handbook to include procedures for the discipline of students with disabilities, students not yet determined eligible for special education services, students with Section 504 Accommodation Plans  Also, the Handbook will be update to include procedures assuring due process in disciplinary proceedings for all students, including:  1) procedures for principal hearings for both short- and long-term suspension;  2) procedures for in-school suspension; and  3) procedures for a hearing with the Head of School.    The charter school is going to post the updated Scholar Handbook on the Phoenix website. In addition, the charter school will send out communication to scholars and families indicating the updates to the handbook and where they can access the new manual. |
| **Action Plan:** By February 26, 2021, the Scholar Handbook will be updated and will include all required discipline content.    By February 26, 2021, the charter school will send out communication to scholars and families about the updates to the Scholar Handbook and where to access it. |
| **Success Metric:** The charter school will provide the following evidence:  - Updated copy of the Scholar Handbook posted on the school website  - Example of the correspondence that will be sent out to scholars and families |
| **Measurement Mechanism:** As a regular practice, the Network Director of Special Education will review the Scholar Handbook annually in August to ensure it is up to date with the necessary information and reflects the current school year. |
| **Completion Timeframe:** 02/26/2021 |
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| **Improvement Area 3** |
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| **Criterion:** CR 10B - Bullying Intervention and Prevention |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that the charter school's Bullying Prevention and Intervention Plan (Plan) does not consistently define an "aggressor" or "perpetrator" as both student and staff member, and the Plan does not include a definition of staff member. The Plan also does not include that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.  The Scholar Handbook and the faculty handbook have not been updated to include the relevant provisions addressing the bullying of students by a school staff member and do not clarify that a member of the school staff may be named the "aggressor" or "perpetrator" in a bullying report.  In addition, staff have not been provided ongoing professional development that includes:  1) developmentally appropriate strategies to prevent bullying incidents;  2) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;  3) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying;  4) 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;  5) information on the incidence and nature of cyber-bullying; and  6) internet safety issues as they relate to cyber-bullying. |
| **LEA Outcome:** Phoenix Charter Academy, Springfield will update its Bullying Prevention and Intervention Plan and publish it on the school's website.    The Plan will consistently define both student and staff members as potential "aggressor" or "perpetrator" as it relates to bullying, include a definition of staff member and indicate that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including, race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.  Phoenix Charter Academy, Springfield will also update the Scholar Handbook and faculty handbook to indicate the following information:  - Include the relevant provisions addressing bullying of a student by a school staff member and clarify that a member of the school staff may be named "aggressor" or "perpetrator" in a bullying report.  Phoenix Charter Academy, Springfield will also provide staff with ongoing professional development that addresses the following topics:  1) developmentally appropriate strategies to prevent bullying incidents;  2) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents;  3) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim, and witnesses to the bullying;  4) 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;  5) information on the incidence and nature of cyber-bullying; and  6) internet safety issues as they relate to cyber-bullying. |
| **Action Plan:** By February 26, 2021, the Bullying Prevention and Intervention Plan will be updated with the aforementioned missing information.  By February 26, 2021, the Scholar Handbook and faculty handbook will be updated with the aforementioned missing information.  By February 26, 2021, the correspondence will be sent to scholars and families about the update to the Bullying Prevention and Intervention Plan.  By February 26, 2021, the correspondence will be sent to staff about the updates to the staff handbook.  By May 20, 2021, a professional development will be covered that reviews the updates to the Plan and the aforementioned topics as it relates to bullying prevention and intervention. |
| **Success Metric:** The charter school will provide the following evidence:  -Updated Bullying Prevention and Intervention Plan (published on charter school website)  -Updated Scholar and faculty/staff handbooks  -Communication to scholars, families, and staff about the updates in the Scholar and staff/faculty handbooks  -Slide Deck from PD  -Agenda from the PD |
| **Measurement Mechanism:** As a regular practice, the Network Director of Special Education will review the Scholar Handbook annually in August to ensure it is up to date with the necessary information. In addition, the Network Director of Special Education and the Head of School will ensure all school staff are provided ongoing professional development related to its Bullying Prevention and Intervention Plan. |
| **Completion Timeframe:** 05/20/2021 |
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| **Improvement Area 4** |
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| **Criterion:** CR 10C - Student Discipline |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that the charter school's procedures for student discipline do not include procedures for in-school suspension. In addition, the notice of hearing and suspension does not include the date, time and location of the hearing or the right of the student and parent to interpreter services. |
| **LEA Outcome:** Phoenix Charter Academy, Springfield will make an update to the charter school's procedures for student discipline contained in the Scholar Handbook to include an in-school suspension procedure. In addition, the charter school will update the template for the hearing notice to include the date, time, and location of the hearing along with the right of the student and parent to interpreter services. |
| **Action Plan:** By February 26, 2021, the charter school's procedures for student discipline contained in the Scholar Handbook will be updated to include in-school suspension procedures.  By February 26, 2021, the template for the notice of hearing will be updated to include the time, date and location of the hearing and the right of the student and parent to interpreter services. |
| **Success Metric:** The charter school will provide the following evidence:  -The updated Scholar Handbook that will contain the charter school's procedures for student discipline and includes in-school suspension procedures  -The updated template that will include the time, date, and location of the hearing along with a statement that emphasizes the right of the student and parent to have access to interpreter services. |
| **Measurement Mechanism:** As a regular practice, the Network Director of Special Education will review the Scholar Handbook annually in August to ensure it is up to date with the necessary information. |
| **Completion Timeframe:** 02/26/2021 |
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| **Improvement Area 5** |
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| **Criterion:** CR 17A - Use of physical restraint on any student enrolled in a publicly-funded education program |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that the charter school's restraint prevention and behavior support policy and procedures do not include:  1) methods for preventing student violence, self-injurious behavior and suicide;  2) methods for engaging parents in discussions about restraint prevention and use; and  3) method of physical restraint in emergency situations.  In addition, annual training on the restraint prevention and behavior support policy and requirements does not occur within the first month of the school year and, for employees hired after the school year begins, within a month of their employment. |
| **LEA Outcome:** Phoenix Charter Academy, Springfield will update the charter school's restraint prevention and behavior support policy and procedures contained in the Scholar Handbook to include:  1) methods for preventing student violence, self-injurious behavior and suicide;  2) methods for engaging parents in discussions about restraint prevention and use; and  3) method of physical restraint in emergency situations. |
| **Action Plan:** By February 26, 2021, the appropriate updates will be made to the Scholar Handbook.  In addition, annual training on the restraint prevention and behavior support policy and requirements will occur within the first month of the school year and, for employees hired after the school year begins, within a month of their employment. |
| **Success Metric:** The charter school will provide the following evidence:  -Updated version of the Scholar Handbook with the aforementioned components  -Slide Deck from the initial PD that was held this year along with a sign-in sheet from the session  -Slide Deck or email communication to staff on the updates to the restraint policy and procedures, including documentation of the email or sign-in sheets. |
| **Measurement Mechanism:** Moving forward, Phoenix Charter Academy, Springfield will review the Scholar Handbook that contains the school’s policies and procedures annually to ensure the school remains in compliance. Also, the requirements to have this PD will be shared with the Chief Operation Officer to ensure that this PD is listed with the other mandated PDs that occur within the first month of the school year. In addition, the Director of Talent will continue to connect with newly hired staff to ensure they are aware that they must complete this PD within a month of their employment. |
| **Completion Timeframe:** 02/26/2021 |
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