

**Dudley Street Neighborhood Charter School**

**TIERED FOCUSED MONITORING**

**REPORT**

**For** **Group A Universal Standards**

**Tier Level** **3**

**Dates of Onsite Visit:** **May 3-4, 2021**

**Date of Draft Report:** **July 7, 2021**

**Date of Final Report: August 24, 2021**

**Action Plan Due: September 22, 2021**

**Department of Elementary and Secondary Education Onsite Team Members:**

**Erin VandeVeer, Chairperson**



Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Dudley Street Neighborhood Charter School**

[SCOPE OF TIERED FOCUSED MONITORING REVIEWS 4](#_Toc256000000)

[TIERED FOCUSED MONITORING ELEMENTS 5](#_Toc256000001)

[REPORT INTRODUCTION 8](#_Toc256000002)

[DEFINITION OF COMPLIANCE RATINGS 10](#_Toc256000003)

[LEGAL STANDARDS, COMPLIANCE RATINGS AND FINDINGS: 13](#_Toc256000004)

[SPECIAL EDUCATION 13](#_Toc256000005)

[CIVIL RIGHTS AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS 18](#_Toc256000006)

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUS MONITORING REPORT**

**Dudley Street Neighborhood Charter School**

**SCOPE OF TIER FOCUSED MONITORING REVIEWS**

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through Tiered Focused Monitoring (TFM). 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.

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 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 one 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 Tiered Focused Monitoring Review every three years. The statewide Tiered Focused Monitoring cycle is posted at <<https://www.doe.mass.edu/psm/tfm/6yrcycle.html>>.

**Tier Level:** Each district/charter school is assigned to one of four tier levels: Tier 1/Self-Directed Improvement; Tier 2/Directed Self-Improvement; Tier 3/Corrective Action; and Tier 4/Cross-unit Support and Corrective Action. The Tiered Focused Monitoring process and subsequent technical assistance varies by monitoring tier. Each district/school is assigned to a monitoring tier based on the district/school’s designated DESE Accountability Level along with risk factors, such as Problem Resolution System complaint data and Public School Monitoring report data. Districts/schools in Tiers 1 and 2 have been determined to have no or low risk. Districts/schools in Tiers 3 and 4 have demonstrated greater risk. Agency intervention, additional onsite monitoring, and provision of technical assistance varies based on district/school tier level, allowing the Department to direct resources to those districts requiring the most support.

1. Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements.
2. Tier 2/Directed Self-Improvement: No demonstrated risk in areas with close link to student outcomes – low risk.
3. Tier 3/Corrective Action: Areas of concern include both compliance and student outcomes – moderate risk.
4. Tier 4/Cross-unit Support and Corrective Action: Areas of concern have a profound effect on student outcomes and ongoing compliance – high risk.

**Process:** Each school district and charter school undergoes a Tiered Focused Monitoring Review every three years. Regularly monitored standards are divided into two groups, known as Group A Universal Standards and Group B Universal Standards. Districts and charter schools are monitored on an alternate set of Universal Standards every three years. The Department has also reserved a specific set of criteria, collectively known as Targeted Standards, employed if LEA or school level risk assessment data indicate there is a potential issue; the identified Targeted Standards are assessed in addition to the Universal Standards.

**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.
* Depending on which Universal Standard group the district/school is participating in and if there are additional Targeted Standards, the district may review a sample of special education student records selected across grade levels, disability categories and level of need.
* If the district/school is participating in a Group A Universal Standards Tiered Focused Monitoring Review, it will submit a review of student records related to the Indicator Data Collection for Indicators 11, 12 and 13 as part of the self-assessment. This Indicator data collection is also part of the State Performance Plan/Annual Performance Report.
* Upon completion of the self-assessment, the district/school submits the data to the Department for review.

**On-site Verification Phase (dependent upon Group A or Group B Universal Standards)**:

* 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 met.
* 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.
* Observations of classrooms and other facilities: The onsite team may visit 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.

**Report:** **For Tier 3 & 4 Tiered Focused Monitoring Reviews**

At the end of the onsite visit, the onsite team holds 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 forwards to the superintendent or charter school leader a Draft Report containing comments from the Tiered Focused Monitoring 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). Within10 business days of receipt of the Draft Report, the district/charter school reviews and comments on the report for factual accuracy before the publication of a Final Report with ratings and findings (see below). The Tiered Focused Monitoring 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 <<https://www.doe.mass.edu/psm/tfm/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.”

*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.

*Indicator Data.* In the Final Report for a district or charter school undergoing a review for Group A Universal Standards, the onsite team includes the results of the review 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.

**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 Tiered Focused Monitoring Report.**

# **INTRODUCTION TO THE FINAL REPORT**

# 

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review at Dudley Street Neighborhood Charter School during the week of May 3, 2021, to evaluate the implementation of Group A Universal Standards in the program areas of special education and civil rights and other related general education requirements. The team appreciated the opportunity to interview staff and review the programs underway at the charter school.

The Department is submitting the following Tiered Focused Monitoring Report containing findings made pursuant to this onsite visit. In preparing this report, the team reviewed extensive written documentation regarding the operation of the charter school's programs, together with information gathered by means of the following Department program review methods:

* Review of student records for special education
* Surveys of parents of students with disabilities
* Interviews of staff consistent with those criteria selected for onsite verification

The report includes findings in the program areas reviewed based on the assigned Universal Standard group for this review. These **Group A** standards are:

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

|  |
| --- |
| The Tiered Focused Monitoring 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," and “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) The Tiered Focused Monitoring Reports do not include criteria receiving a rating of “Implemented” or “Not Applicable.” This will allow the charter school and the Department to focus their efforts on those areas requiring corrective action. The charter school is expected to incorporate the corrective actions into their school improvement plans and 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; 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. |

**Dudley Street Neighborhood Charter School**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |
| --- | --- | --- |
|  | **Universal Standards Special Education** | **Universal Standards Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3A, SE 8,  SE 9A, SE 10, SE 11, SE 12, SE 14, SE 18A, SE 19,  SE 20, SE 22, SE 26, SE 29, SE 34, SE 35, SE 40, SE 41, SE 43, SE 48, SE 49 | CR 13, CR 14 |
| **PARTIALLY**  **IMPLEMENTED** | SE 3, SE 9, SE 13, SE 25, SE 42 | CR 18 |
| **NOT  IMPLEMENTED** |  |  |
| **NOT  APPLICABLE** | SE 6, SE 7, SE 17, SE 37, SE 38, SE 39 |  |

**SUMMARY OF INDICATOR DATA REVIEW**

As part of Tiered Focused Monitoring for Group A Universal Standards, districts and charter schools submit data for Indicators 11, 12 and 13; the results of the Department’s analysis regarding these Indicators are as follows:

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

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

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **SE 3** | Special requirements for determination of specific learning disability  When 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 and administrative interviews indicated that when a student suspected of having a specific learning disability is evaluated and a written determination as to whether or not the student has a specific learning disability has been created (mandated form 28M/10), not all Team members consistently sign the form. Record review also indicated that if there is a disagreement as to the determination, Team members do not document their disagreement.* |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| SE 9 | Timeline for determination of eligibility  Within 45 school working days after receipt of the parent's written consent to an initial evaluation or a re‑evaluation, the school district determines whether the student is eligible for special education. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.05(1); 28.06(2)(e) | |  | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and an administrative interview indicated that within forty-five school working days after receipt of the parent's consent to an initial evaluation or re-evaluation, the charter school does not consistently determine whether the student is eligible for special education and provide to the parent either a proposed IEP and proposed placement or a written explanation of the finding of no eligibility. Record review and an administrative interview indicated that evaluation staff shortages meant that eligibility timelines could not be met consistently.* |

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

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and administrative interviews indicated that progress reports are not consistently sent to parents at least as often as parents are informed of the progress of non-disabled students.* |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **SE 25** | Parental consent   1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education. 2. The school district obtains consent before initiating extended evaluation services. 3. The school district obtains consent to the services proposed on a student's IEP before providing such services. 4. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the student. 5. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home.  Efforts may include seeking assistance from a community service agency to secure parental participation. 6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, 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 school district considers with the parent whether such action will result in the denial of a free appropriate public education to the student.  If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through the Bureau of Special Education Appeals (BSEA). 7. If the parent has given consent for special education services and then, at any time following, revokes his/her consent to the student's special education services in writing, the district is obligated to discontinue all special education services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian of the district´s proposal to discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards. The district must provide the notice a reasonable time before the district intends to discontinue the services. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.07(1)  This criterion is related to State Performance Plan Indicator 8. (See <https://www.doe.mass.edu/sped/spp/maspp.html>.) | | 34 CFR 300.300 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and an administrative interview indicated that the charter school does not consistently obtain written parental consent before conducting evaluations, specifically for academic achievement assessments and educational assessments.* |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **SE 42** | Programs for young children three and four years of age  General requirements:   1. The school district ensures programs are available for eligible students three and four years of age. Such programs shall be developmentally appropriate and specially designed for students ages three and four years. 2. Where appropriate, the school district elects, consistent with federal requirements, to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible students to public school services. 3. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday).   Types of Settings:   1. Inclusionary programs for young students are located in a setting that includes students with and without disabilities and meet the following standards:    1. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.    2. For public school programs that integrate students with and without disabilities, the class size does not exceed 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide. 2. Substantially separate programs for young students are located in a public school classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards:    1. Substantially separate programs are programs in which more than 50% of the students have disabilities.    2. Substantially separate programs operated by the district limit class sizes to 9 students with 1 teacher and 1 aide. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.06(7) | | 34 CFR 300.101(b);  300.124(b); 300.323(b) | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and administrative interviews indicated that the charter school's two inclusionary classes for young students with and without disabilities exceed the class ratio of 20 students with one teacher and one aide; specifically, the inclusionary classes have 22 students and 21 students with one teacher and one aide, respectively.* |

|  |  |
| --- | --- |
| |  | | --- | | **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 **VI. FACULTY, STAFF AND ADMINISTRATION** | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **CR 18** | Responsibilities of the school principal   1. Instructional support. The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the administrator of special education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. 2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district's general education program to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. (*The plan may be part of a multi-year strategic plan.)* 3. Coordination with special education. The principal with the assistance of the administrator of special education coordinates the delivery and supervision of special education services within each school building. 4. Educational services in home or hospital. Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP. | | | |
|  | M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3) | | | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and administrative interviews indicated that although the charter school is planning to develop a tiered system of support for its students, along with a curriculum accommodation plan to ensure that all efforts have been made to meet the needs of diverse learners in the general education program, the charter school does not currently have a curriculum accommodation plan.* |

|  |
| --- |
| This Tiered Focused Monitoring Final Report is also available at:  <https://www.doe.mass.edu/psm/tfm/default.html>.  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 | |
| File Name: | Dudley |
| Last Revised on: | 08/24/2021 |
| Prepared by: | EV/AP |