

**New Heights Charter School of Brockton**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

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

**Tier Level** **2**

**Dates of Onsite Visit:** **April 26-29 and May 6 & 12, 2022**

**Date of Final Report: September 1, 2022**



Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**New Heights Charter School of Brockton**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUS MONITORING REPORT**

During the 2021-2022 school year, New Heights Charter School of Brockton participated in a Tiered Focused Monitoring Review (TFM) conducted by the Department’s Office of Public School Monitoring (PSM). The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

Each school district, charter school, vocational school, and virtual school undergoes 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>>.

Regularly monitored standards are divided into two groups, known as Group A Universal Standards and Group B Universal Standards. Districts and schools are monitored on an alternate set of Universal Standards every three years.

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

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.

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 the Every Student Succeeds Act (ESSA); 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.

**PSM Team:**

Depending upon the size of a school district and the number of special education programs to be reviewed, a team of one to four Department staff members conducts onsite activities over one to five days in a school district or charter school.

**Tier Level:**

The level of monitoring varies based on tier designation, aligning supports to the level of need and ensuring that districts and schools with greater needs receive appropriate supports to make sustained improvements.

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| Tier | Title | Description | Level of Risk  |
| 1 | Self-Directed Improvement | Data points indicate no concern on compliance and student outcomes. | Meets requirements |
| 2 | Directed Improvement | No demonstrated risk in areas with close link to student outcomes. | Low  |
| 3 | Corrective Action | Areas of concern include both compliance and student outcomes. | Moderate  |
| 4 | Cross-unit Support and Corrective Action  | Areas of concern have a profound effect on student outcomes and ongoing compliance. | High |

For the 2021-2022 school year, the tier assignments are based on:

* Five-year cohort graduation rate for students with disabilities
* Public School Monitoring compliance data from the previous review
* Problem Resolution System data, specifically findings of noncompliance
* Special education State Performance Plan/Annual Performance Reports (SPP/APR) compliance Indicator data for Indicators 11, 12, and 13 (Group A only)
* Indicator 11: Child Find
* Indicator 12: Early Childhood Transition
* Indicator 13: Secondary Transition
* Special education SPP/APR performance Indicator data for Indicators 5 & 6
* Indicator 5: Education Environments (6-21)
* Indicator 6: Preschool Environments
* Significant Disproportionality data 2019-2020 & 2020-2021

Tiering adjustments may be made for districts engaged in work with the Department’s Statewide System of Support and have schools identified as requiring assistance and intervention. Tiering assignments may also be adjusted for schools and districts unable to remedy noncompliance within one year of the previous TFM review, as well as for charter schools requiring additional oversight based on conditions of their charter.

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

Following the onsite visit, the PSM team holds an informal exit meeting to summarize the review for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the chairperson forwards the TFM Feedback Summary that includes findings from the Tiered Focused Monitoring Review to the superintendent or charter school leader.

As part of the reporting process, all districts/charter schools in Tiers 1 and 2, 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 is due to the Department within 20 business days after the issuance of the Feedback Summary and is subject to the Department’s review and approval.

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. Department staff provide support and assistance to districts and charter schools on the development of a CIMP.

Once the CIMP is approved, it is issued as the Final Report.

Department staff also provide ongoing technical assistance as the school or district is implementing the approved CIMP or CAP. **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 Feedback Summary.**

For more information regarding the TFM Review Process, including district and parent resources, please visit < <https://www.doe.mass.edu/psm/tfm/default.html>>.

# **TIERED FOCUSED MONITORING FINAL REPORT**

**New Heights Charter School of Brockton**

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review in New Heights Charter School of Brockton during the week of April 25, 2022, to evaluate the implementation of Group B Universal Standards in the program areas of special education, civil rights, and other related general education requirements. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities, and to review the programs underway in the school.

In preparing this report, the team reviewed extensive written documentation regarding the operation of the school's programs, together with information gathered by means of the following Department program review methods:

**Self-Assessment Phase:**

* School review of special education and civil rights documentation for required elements including document uploads.
* School review of a sample of student records for students in special education who received a suspension.
* Upon completion of the self-assessment, the school submitted the data to the Department for review.

**On-site Verification Phase:**

* Interviews of administrative, instructional, and support staff consistent with those criteria selected for onsite verification.
* Review of additional documents for special education and civil rights.
* Surveys of parents of students in special education: Parents of students in special education were sent a survey that solicited information regarding their experiences with the school’s implementation of special education programs, related services, and procedural requirements.
* Review of student records for special education: The Department selected a sample of student records from those the 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 requirements regarding discipline procedures were met.
* Observations of classrooms and other facilities: The onsite team visited 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.

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| 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 school and the Department to focus their efforts on those areas requiring corrective action. Charters are expected to incorporate the corrective actions into their school improvement plans, including their professional development plans. |
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# **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; 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. |

**New Heights Charter School of Brockton**

# **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 54, SE 55, SE 56 | CR 3, CR 7, CR 7A, CR 7B, CR 7C, CR 8, CR 10A, CR 10B, CR 12A, CR 17A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 | SE 45, SE 46, SE 47 |
| **PARTIALLY****IMPLEMENTED** | SE 32 | CR 10C, CR 16 | SE 44 |
| **NOT** **IMPLEMENTED** | None |  |  |
| **NOT** **APPLICABLE** | SE 52A |  |  |

The full list of criteria and information regarding the requirements for each can be found in Appendix B of the Tiered Focused Monitoring Toolkit available at < <https://www.doe.mass.edu/psm/resources/tfm-toolkit.docx>>.

| **CONTINUOUS IMPROVEMENT AND MONITORING PLAN**  |
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| **Improvement Area** **1** |
| **Criterion:** SE 32 - Parent advisory council for special education |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and interviews indicated that while the charter school facilitates an annual workshop on the rights of students and their parents and guardians under state and federal special education laws, the school has not established a district-wide parent advisory council on special education. |
| **LEA Outcome:** New Heights Charter School will establish a parent advisory council on special education (SEPAC). The parent advisory council’s duties will include: * Advising the 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 school's special education programs.

The SEPAC will have established by-laws regarding officers and operational procedures. The SEPAC will receive assistance from the Board of Trustees without charge, upon reasonable notice, and subject to the availability of staff and resources. If the school is not successful in establishing a SEPAC, it will meet the requirements for an approved waiver from the Department and continue active efforts to create a SEPAC. |
| **Action Plan:** By September 30, 2022, New Heights Charter School will provide evidence of parent outreach including newsletter and social media postings, emails, and calls to parents to elicit participation in the SEPAC. By December 16, 2022, New Heights Charter School will meet with the SEPAC to develop by-laws, identify officer positions, and establish a calendar of meetings and events. Evidence will include a copy of the by-laws, officer positions, and a calendar of meetings and events. By December 16, 2022, if New Heights Charter School has not been successful in establishing a SEPAC, it will meet the requirements for an approved waiver from the Department and continue active efforts to create a SEPAC. By March 24, 2023, New Heights Charter School will submit evidence of the SEPAC’s participation with school officials on matters that pertain to the education and safety of students with disabilities and the planning, development, and evaluation of the charter school's special education programs. |
| **Success Metric:** By March 2023 and beyond, the charter school will have an established SEPAC. The school will support the SEPAC in fulfilling all duties, which include advising 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 school’s special education programs.  Evidence: * Outreach efforts
* SEPAC by-laws
* List of officers
* SEPAC meeting schedule
* Agendas, meeting materials, and sign-in sheets
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| **Measurement Mechanism:** The Dean of Special Education will, in collaboration with relevant staff members from the Student Services Department, hold quarterly meetings with the SEPAC to ensure the SEPAC has the opportunity to advise the charter school on matters that pertain to the education and safety of students with disabilities. The SEPAC will also participate in the planning, development, and evaluation of the school’s special education programs. The Dean of Special Education will conduct ongoing outreach for SEPAC members and leadership. The SEPAC will receive assistance from the Board of Trustees without charge, upon reasonable notice, and subject to the availability of staff and resources. |
| **Completion Timeframe:** 03/24/2023 |
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| **Improvement Area 2** |
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| **Criterion:** SE 44 - Procedure for recording suspensions |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records, documents, and interviews indicated that although the charter school has developed a system to record the number and duration of suspensions for students in special education, this system is not consistently implemented, and suspensions are not always accurately recorded. |
| **LEA Outcome:** New Heights Charter School will ensure that the system to record the number and duration of suspensions for students in special education is consistently implemented and all suspensions are accurately recorded. |
| **Action Plan:** By September 30, 2022, New Heights Charter School will review and revise the current record keeping system to ensure consistency across multiple platforms. The charter school will also train pertinent staff on discipline procedures. By December 16, 2022, the Principal, Director of Student Services, and Director of Technology will complete a review of discipline data for students in special education to determine if suspensions are consistently and accurately recorded across all necessary platforms, including in the student's cumulative folder. New Heights Charter School will conduct a root cause analysis and implement appropriate corrective actions for any identified noncompliance. |
| **Success Metric:** By December 2022 and beyond, the charter school will update the system used to record the number and duration of suspensions for students in special education, ensure consistency across multiple record-keeping platforms, provide appropriate training, and implement a regular cycle of internal monitoring to ensure consistency and accuracy. Evidence: * Procedures for recording, tracking, and monitoring suspensions of students with disabilities
* Agenda, training materials, and sign-in sheets
* Evidence of discipline data and record review, root cause analysis, and corrective action steps, as appropriate
 |
| **Measurement Mechanism:** Tri-annually, the Principal, Director of Student Services, and the Director of Technology will complete a review of discipline data for students with disabilities to determine if suspensions are consistently and accurately recorded across all necessary platforms, including in the student's cumulative folder. If noncompliance is identified, the charter school will conduct a root cause analysis and implement appropriate corrective actions for any identified noncompliance. |
| **Completion Timeframe:** 12/16/2022 |
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| **Improvement Area 3** |
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| **Criterion:** CR 10C - Student Discipline |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records, documents, and interviews indicated that although charter school leadership periodically reviews discipline data by selected populations, the school's systems for collecting such data are not aligned to ensure accurate student suspension reports. Such inaccuracies prevent a reliable analysis of student data, including the impact of disciplinary actions on selected student populations and the need to modify disciplinary practices due to an over-reliance on suspensions for selected student populations. |
| **LEA Outcome:** New Heights Charter School will establish aligned systems for collecting and reporting discipline data to allow for accurate analysis of student data that includes the impact of disciplinary actions on selected student populations and the need to modify disciplinary practices due to an over-reliance on suspensions for selected student populations. |
| **Action Plan:** Please see SE 44 for progress reports related to aligning systems for accurate and consistent suspension data collection. By December 16, 2022, New Heights Charter School will submit evidence that the Principal, Deans, Director of Student Services, and Director of Technology utilize accurate disciple data to conduct a reliable analysis of the impact of disciplinary actions on selected student populations, including students in special education. Administration will use the analysis to determine the need to modify disciplinary practices due to an over-reliance on suspensions for selected student populations. |
| **Success Metric:** By December 2022 and beyond, the charter school will have aligned systems for collecting and reporting discipline data to allow for accurate analysis of student data. The charter school will modify disciplinary practices if an over-reliance on suspensions is found. Evidence: * Results of discipline review, including conclusions reached and any modifications to disciplinary practices
* Agenda, meeting materials, and sign-in sheets from discipline discussion
 |
| **Measurement Mechanism:** Tri-annually, the Principal, Deans, Director of Special Education, and Director of Technology will conduct a review of discipline data for accuracy and assess the impact of disciplinary actions on selected student populations. The school will make necessary modifications to disciplinary practices if an over-reliance on suspensions is found. |
| **Completion Timeframe:** 12/16/2022 |
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| **Improvement Area 4** |
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| **Criterion:** CR 16 - Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and interviews indicated that although the charter school sends a notice to students, it is not sent within five days of the student's tenth consecutive absence and does not include the following requirements: * The parties shall agree to the date and time for the exit interview;
* The exit interview shall occur within ten days of the notice; and
* The date and time for the exit interview may be extended at the request of the parent/guardian, but for no longer than 14 days.

In addition, a review of documents and interviews indicated that the charter school does not send an annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school to inform them of the availability of publicly funded post-high school academic support programs and encourage them to participate in those programs. |
| **LEA Outcome:** New Heights Charter School will consistently send notice to students 16 and over and their parents/guardians within five days of the student's tenth consecutive absence. The notice will include the following requirements: * The parties shall agree to the date and time for the exit interview;
* The exit interview shall occur within ten days of the notice; and
* The date and time for the exit interview may be extended at the request of the parent/guardian, but for no longer than 14 days.

New Heights Charter School will also send annual notice to all students who have left school without earning their competency determination to inform them of the availability of publicly funded post-secondary school academic support programs and encourage them to participate in such programs. |
| **Action Plan:** By September 30, 2022, New Heights Charter School will submit the following: * Revised notice sent to students 16 and over and their parents/guardians within five days of the student's tenth consecutive absence;
* Outreach procedures and sample annual notice for students who have left school without earning their competency determination;
* Description of the internal monitoring system to ensure implementation; and
* Evidence of training for all pertinent staff.

By March 24, 2023, New Heights Charter School will submit evidence of internal monitoring to ensure that both notices are sent as required. The charter school will conduct a root cause analysis and implement appropriate corrective actions for any identified noncompliance. |
| **Success Metric:** By March 2023 and beyond, New Heights Charter School will consistently send notice to students 16 and over and their parents/guardians within five days of the student's tenth consecutive absence and the notice will include all required content. Furthermore, the school will ensure that the procedures for outreach to students who left school without earning their competency determination are implemented. Evidence: * Revised notice to students 16 and over and their parents/guardians
* Annual notice
* Outreach procedures
* Agenda, training materials, and signed attendance sheet
* Results of internal monitoring review, root cause analysis, and corrective action steps, as appropriate
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| **Measurement Mechanism:** Biannually, the school’s administration will conduct internal monitoring to ensure that students 16 and over and their parents/guardians receive appropriate notification within five days of the student's tenth consecutive absence and that annual notice is sent to students who leave school without earning their competency determination. Administration will conduct a root cause analysis for any non-compliance found and implement appropriate corrective actions.  |
| **Completion Timeframe:** 03/24/2023 |
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