

**AMENDMENT TO REGULATIONS ON UNDERPERFORMING SCHOOLS
AND SCHOOL DISTRICTS, 603 CMR 2.00**

Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: January 26, 2010

Period of public comment: through March 12, 2010

Final action by the Board of Elementary and Secondary Education anticipated: March 23, 2010

Changes from the proposed regulation of January 26, 2010 are indicated in this document by underscore (new language) and ~~overstrike~~ (deleted language).

603 CMR 2.03(3), *Designation as a Commonwealth Priority School*, would be deleted and replaced by the following regulation:

2.03(3) Placement of schools in Level 4

(a) Placing a school in Level 4 shall mean designating ~~that~~ the school as underperforming in accordance with M.G.L. c. 69, s. 1J. Level 4 is the fourth of the five levels in the Department's framework for district accountability and assistance.*

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(b) A school shall be eligible for placement in Level 4 if it scores in the lowest 20 percent statewide of schools serving common grade levels on a single measure developed by the Department that takes into account:

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(i) school MCAS performance over a four-year period based on Composite Performance Index (CPI) in English language arts; CPI in mathematics; and percentages of students scoring in the "warning" or "failing" category on MCAS; and

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(ii) beginning on July 1, 2011, improvement in student academic performance.

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The Department shall notify districts when it is determined that any of their schools is eligible for placement in Level 4. The notification shall be made to the school committee, superintendent, and local teachers' union or association president, and the principal of any school eligible for Level 4 placement.

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(c) The commissioner may place a school in Level 4 on the basis of quantitative data including:

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(i) school MCAS performance over a four-year period based on Composite Performance Index (CPI) in English language arts; CPI in mathematics; and percentages of students scoring in the "warning" or "failing" category on MCAS;

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(ii) improvement in school MCAS performance as represented by change in CPI (for years available, up to four);

(iii) annual growth in MCAS performance for students at the school as compared with peers across the Commonwealth (for years available, up to four);

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(iv) in the case of high schools, graduation and dropout rates; and

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(v) other indicators of school performance including student attendance, ~~dismissal~~, suspension, exclusion, and promotion rates upon the determination of each indicator's reliability and validity, ~~or lack of demonstrated significant improvement for two or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based on special education, low-income, English language proficiency, and racial classifications;~~

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~~or on the basis of information from a school or district review performed under M.G.L. c.15, s 55A.~~

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Deleted: (d) The commissioner may place an eligible school in Level 4 of the framework for district accountability and assistance on the basis of any of the data listed in 603 CMR 2.03(3)(c) (1) – (3) (i)-(v)

(d) Not more than 4 percent of the total number of public schools may be in Levels 4 and 5*, taken together, at any given time.

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(e) Any school designated by the Board as chronically underperforming prior to 2010 may be placed in Level 4.

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* Note: Details about Level 5 will be included in the full set of draft Regulations on Accountability and Assistance for Schools and School Districts to be reviewed in February 2010. Placing a school in Level 5 shall mean designating the school as chronically underperforming in accordance with M.G.L. c. 69, s. 1J. Level 5 is the fifth of five levels in the framework for district accountability and assistance.