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|  |  | **Quabbin****TIERED FOCUSED MONITORING****REPORT****Dates of Review:** **November 22-26, 2019****Date of Draft Report: December 13, 2019****Date of Final Report: February 7, 2020****Continuous Improvement Monitoring Plan Due: March 6, 2020****Department of Elementary and Secondary Education Onsite Team Members:****David Valade (chair)** |
|  |  | **Jeffrey C. Riley****Commissioner of Elementary and Secondary Education**  |
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Quabbin**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUS MONITORING REPORT**

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**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:

**Federal:**

(**Note**: “*U.S.C.” refers to the United States Code)*

**Title VI: *Title VI of the Civil Rights Act of 1964***

Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color or national origin in programs or activities receiving federal financial assistance. Title VI is codified at 42 U.S.C. 2000d *et seq.*; regulations have been promulgated in the Code of Federal Regulations (C.F.R.) at 34 C.F.R. Part 100.

**EEOA: *the Equal Educational Opportunities Act of 1974***

Prohibits the denial of equal educational opportunity to English learners in public schools on account of national origin, by the failure “to take appropriate action to overcome language barriers that impede equal participation …in its instructional programs.” See 20 U.S.C. 1703(f)*.* (The EEOA also prohibits the denial of equal educational opportunity based on race, color, or sex.)

**ESEA: *Elementary and Secondary Education Act of 1965***

The Elementary and Secondary Education Act of 1965 (ESEA) was reauthorized through the Every Student Succeeds Act of 2015 (ESSA). ESEA governs elementary and secondary education. It is codified at 20 USC 6301 *et seq.*

**Massachusetts:**

(**Note:** *Most Massachusetts education statutes are available at* [*http://www.doe.mass.edu/lawsregs/statelaws.html*](http://www.doe.mass.edu/lawsregs/statelaws.html). *Legislation that has been filed may be found at* [*https://malegislature.gov/Laws/GeneralLaws/Search*](https://malegislature.gov/Laws/GeneralLaws/Search) *. Department of Elementary and Secondary Education regulations are available at* [*http://www.doe.mass.edu/lawsregs/stateregs.html*](http://www.doe.mass.edu/lawsregs/stateregs.html)*.)*

**G.L. c. 69: *Massachusetts General Laws, Chapter 69***

Establishes the powers and duties of the Department of Elementary and Secondary Education.

**G.L. c. 71A: *Massachusetts General Laws, Chapter 71A***

Governs the education of ELs. Regulations have been promulgated under it at 603 CMR 14.00.

**G.L. c. 71B: *Massachusetts General Laws, Chapter 71B***

Governs the education of students with disabilities. State special education regulations are at 603 CMR 28.00.

**G.L. c. 76: *Massachusetts General Laws, Chapter 76***

Governs school attendance and various other school-related matters. Section 5 prohibits discrimination in all public schools on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation. See also Access to Equal Educational Opportunities Regulations: 603 CMR 26.00.

**St. 2002, c. 218: *Chapter 218 of the Massachusetts Acts of 2002***

Section 24 requires each school district to have at least one teacher licensed in ESL, TBE, or ELL. (See Implementation Guidance under ELE14.) In districts of 200 or more ELs, any person appointed as director of an ELE program must be licensed in ESL or bilingual education, or hold such other license required by law for such other ELE program.

**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 (district).

**Timing:** Each school district in the Commonwealth is scheduled to receive a Tiered Focused Monitoring Review every six years except the districts and charter schools that repeat as Tier 4 for three consecutive years. These districts’ ELE programs are reviewed every 3 years until such time they are no longer Tier 4. . The statewide Tiered Focused Monitoring cycle is posted at <<<http://www.doe.mass.edu/psm/tfm/default.html>>>.

**Tier Level:** Each district 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 is assigned to a monitoring tier based on a risk assessment. The risk assessment will identify the potential for which districts may need support in improving outcomes for English learners (ELs). The risk assessment is based on the districts’ results on the ESE Accountability measure of progress towards achieving English language proficiency and other relevant data. Districts in Tiers 1 and 2 have been determined to have no or low risk. Districts in Tiers 3 and 4 have demonstrated greater risk. Agency intervention, additional onsite monitoring, and provision of technical assistance varies based on districts’ 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:** The monitoring process differs depending on the tier assigned to the district as well as the district’s previous tier assignment.

 There are 13 ELE criteria that target implementation of the requirements related to ELE programs under state and federal law and regulations:

 ELE 1: Annual English Language Proficiency Assessment

 ELE 2: State Accountability Assessment

 ELE 3: Initial Identification of ELs and FELs

 ELE 5: ELE Program and Services

 ELE 6: Program Exit and Readiness

 ELE 7: Parent Involvement

 ELE 8: Declining Entry to a Program

 ELE 10: Parental Notification

 ELE 13: Follow-up Support

 ELE 14: Licensure Requirements

 ELE 15: Professional Development Requirements

 ELE 17: Program Evaluation

 ELE 18: Records of ELs

The review process includes the following:

1. Self-Assessment
* District reviews English Learner Education documentation for required elements including document uploads.
* District reviews a sample of English learner (EL) student records selected across grade levels and EL focus areas such as opt-out students, former ELs and students and/or parents who need translation and/or interpretation.
* Upon completion of these two internal reviews, the district’s self-assessment is submitted to the Department for review.
1. Verification
* Review of EL student records: The Department may select a sample of student records and request certain documentation to be uploaded to the WBMS as evidence of implementation of the ELE criteria.
* Review of additional documents for English Learner Education
* Surveys of parents of ELs: Parents of ELs are sent a survey that solicits information regarding their experiences with the district’s implementation of English Learner Education program(s), related services, and procedural requirements.
* Interviews of staff, parents and community members as applicable

**Report:** **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.

**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. **Districts 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 during the week of November 22, 2019 to evaluate the implementation of English Learner Education and other related general education requirements.

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

Interviews of:

* Administrative staff
* Teaching and support services staff (as applicable)
* English Learner Education parent advisory council representative(s) (as applicable)
* Persons from the general public (as applicable)

Surveys:

* Parents of English learners

The report includes findings in the program areas reviewed based on the ELE criteria below:

ELE 1: Annual English Language Proficiency Assessment

ELE 2: State Accountability Assessment

ELE 3: Initial Identification of ELs and FELs

ELE 5: ELE Program and Services

ELE 6: Program Exit and Readiness

ELE 7: Parent Involvement

ELE 8: Declining Entry to a Program

ELE 10: Parental Notification

ELE 13: Fallow-up Support

ELE 14: Licensure Requirements

ELE 15: Professional Development Requirements

ELE 17: Program Evaluation

ELE 18: Records of ELs

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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 district/school and the Department to focus their efforts on those areas requiring corrective action. Districts are expected to incorporate the corrective actions into their district and 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. |
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| **Not Applicable**  | The requirement does not apply to the school district or charter school. |

**Quabbin**

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT**

The Department reviewed extensive written documentation regarding the operation of the district's ELE program(s), together with information gathered by staff interviews, a review of documentation from student records and parent surveys. This 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," or “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.)

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **English Learner Education Requirements** |
| **IMPLEMENTED**  | ELE 2, ELE 3, ELE 5, ELE 7, ELE 8, ELE 9, ELE 10, ELE 13, ELE 15, ELE 17, ELE 18 |
| **PARTIALLY IMPLEMENTED** | ELE 1, ELE 6, ELE 14 |

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| **ENGLISH LEARNER EDUCATION****LEGAL STANDARDS,****COMPLIANCE RATINGS AND****FINDINGS** |

| **CRITERION****NUMBER** | **ENGLISH LEARNER EDUCATION****I. ASSESSMENT OF STUDENT PROGRESS** |
| --- | --- |
|  | **Legal Standard** |
| **ELE 1** **Annual English Language Proficiency Assessment**  | 1. The district annually assesses the English proficiency of all ELs.
2. The ACCESS for ELLs 2.0 is administered to ELs annually in grades K-12 by qualified staff.

**Authority: ESEA; G.L. c. 71A, § 7; 603 CMR 14.02.** |
|  | **Rating: Partially Implemented** | **District Response Required**:  | **Yes** |

**Department of Elementary and Secondary Education Findings:**

*A review of ACCESS for ELLs documentation indicates that the district has not consistently met the 95% assessment participation rate for its English learners. As a result, student English language proficiency progress is not adequately measured so the district can provide an appropriate program for each EL's acquisition of English. The district must have established procedures to ensure that all ELs take the ACCESS so educators can adequately review the results and plan for student success.*

| **CRITERION****NUMBER** | **ENGLISH LEARNER EDUCATION****II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
| --- | --- |
|  | **Legal Standard** |
| **ELE 6****Program Exit and Readiness** | 1. Each school district shall establish criteria, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may no longer be English learners.
2. The district does not reclassify an English Learner (EL) as Former English Learner (FEL) until he or she is deemed English proficient and can participate meaningfully in all aspects of the district’s general education program without the use of adapted or simplified English materials.
3. Districts do not limit or cap the amount of time in which an EL can remain in a language support program. An EL only exits from such a program after he or she is determined to be proficient in English.

**Authority: Title VI; ESEA; EEOA; G.L. c. 71A, § 4; 603 CMR 14.02.** |
|  | **Rating: Partially Implemented** | **District Response Required**:  | **Yes** |
| **Department of Elementary and Secondary Education Findings:***Although the district's reclassification procedures state that students would be reclassified as a former English learner (FEL) when they have at least an ACCESS score of 4.2, one record indicates that one student was reclassified with an overall score of 3.5. The district's current reclassification practices are not consistent with the district's reclassification policy and procedures. The district must have established procedures to ensure that all ELs are reclassified according to district policies and procedures aligned to guidance from the Department.*  |

| **CRITERION****NUMBER** | **ENGLISH LEARNER EDUCATION****VI. FACULTY, STAFF AND ADMINISTRATION** |
| --- | --- |
|  | **Legal Standard** |
| **ELE 14****Licensure Requirements** | Licensure requirements for districts where ELs are enrolled:1. Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language or Transitional Bilingual Education, or ELL license under G.L. c.71, § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.)2. Except at Commonwealth charter schools, every teacher or other educational staff member who teaches ELs holds an appropriate license or current waiver issued by the Massachusetts Department of Elementary and Secondary Education.3. Core academic teachers who provide sheltered English instruction to English learners in school districts, including charter schools and education collaboratives, must earn an SEI Teacher Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00. Principals, assistant principals, and supervisors/directors who supervise or evaluate such teachers, must earn an SEI Teacher Endorsement or SEI Administrator Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00.4. Any core academic teacher who is assigned to provide sheltered English instruction to an EL shall either hold an SEI Teacher Endorsement, or is required to earn such endorsement within one year from the date of the assignment. Any school district that assigns an EL to a core academic teacher who has a year to obtain an SEI endorsement, shall take all reasonable steps to ensure that such EL is assigned to core academic teachers with an SEI endorsement in subsequent school years.5. No principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an EL unless such principal, assistant principal, or supervisor/director holds an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.6. Except at Commonwealth charter schools, any director of ELE program(s) who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language (ESL), Transitional Bilingual Education (TBE) or an ELL license. 7. A core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as dual language education or two-way immersion program, or transitional bilingual education program, must be properly qualified in the field and grade level of the assignment, and hold the appropriate endorsement, as follows: a. A core academic teacher responsible for the instructional componentprovided in a language other than English must hold the Bilingual Education Endorsement or a valid waiver issued by the Commissioner.b. A core academic teacher responsible for the instructional component provided in English must hold the Bilingual Education Endorsement or the SEI Endorsement.8. A principal, assistant principal, or supervisor/director who supervises or evaluates a core academic teacher assigned to provide instruction to an English learner in a bilingual education setting, such as dual language education or two-way immersion program, or transitional bilingual education program, must hold the Bilingual Education Endorsement or the SEI Endorsement.9. A valid Transitional Bilingual Education license or Transitional Bilingual Learning endorsement issued by the Department shall be deemed the equivalent of the Bilingual Education Endorsement.10. Prior to the beginning of each school year, districts, including charter schools shall verify that each of the educators in an English learner program is properly endorsed for that program.**Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(ii); G.L. c. 71A, § 10; St. 2002, c. 218, §§ 24, 25; 603 CMR 7.04(3), 7.09(3); 603 CMR 7.14(1)-(3); 603 CMR 7.15(9)(b)-(c); 603 CMR 7.15(13)(d); 603 CMR 14.07.** |
|  | **Rating: Partially Implemented** | **District Response Required:**  | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Staff interviews and the relevant SEI Endorsement data indicated that most core academic teachers assigned to provide sheltered English instruction to English learners hold the SEI Teacher Endorsement, but some do not. The district must have policies and procedures to ensure that all core academic teachers who teach English learners and the administrators who oversee them have the SEI endorsement within one year of being assigned an English learner.*  |

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| This Coordinated Program Review Final Report is also available at:<http://www.doe.mass.edu/ele/cpr/> 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/>. |

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| Prepared by: | DV/SH |