

**Brockton**

**TIERED FOCUSED MONITORING**

**REPORT**

**Dates of Onsite Visit:** **January 24-28, 2022**

**Date of Draft Report:** **February 11, 2022**

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

**Action Plan Due: April 5, 2022**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUS MONITORING REPORT**

**Brockton**

**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. The statewide Tiered Focused Monitoring cycle is posted at <<<https://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 12 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 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:** **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 English Learner Education program 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 <<http://www.doe.mass.edu/ele/cpr/default.html>>.

**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 “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 “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 in Brockton during the week of January 24, 2022 to evaluate the implementation of English Learner Education 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 district.

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 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 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 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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| **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. |
|  |
| **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. |

Brockton

**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 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**

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

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

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| **CRITERION****NUMBER** | **II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
| --- | --- |
|  | **Legal Standard** |
| ELE 5ELE Programs and Services | 1. The Department shall conduct on-site visits to school districts at least once every year for the purpose of evaluating the effectiveness of programs serving English learners and to validate evidence of educational outcomes.
2. The district uses assessment data to plan and implement educational programs for students at different instructional levels.
3. Children who are English learners shall be educated through sheltered English immersion or an alternative instructional program that meets the requirements of federal and state law, during a temporary transition period not normally intended to exceed the timelines established by the Department in benchmarks established pursuant to G.L. c. 71A, § 11. Alternative instructional programs include, but are not limited to, transitional bilingual education and dual language education or two-way immersion programs.
4. ELE programs shall be research-based and include subject matter content and an English language acquisition component.
5. The district only groups ELs of different ages together in instructional settings if their levels of English proficiency are similar.
6. School districts shall adopt procedures to identify English learners who do not meet English proficiency benchmarks and shall establish a process for the district to (i) identify areas in which identified English learners needs improvement and establish personalized goals for the identified English learners to attain English proficiency; (ii) assess and track the progress of English learners in the identified areas of improvement; (iii) review resources and services available to identified English learners that may assist said learners in the identified areas of improvement; and (iv) incorporate input from the parents and guardian of the identified English learner.
7. The district’s grouping of students ensures that ELs receive effective content instruction at appropriate academic levels and that ESL instruction is provided at the appropriate proficiency level. ESL instruction should be aligned to the Massachusetts Curriculum Frameworks and must integrate components of the WIDA English Language Development (ELD) Standards.
8. The evaluation of ELE programs (by the Department) shall include, but shall not be limited to: (i) a review of individual student records of English learners; (ii) a review of the programs and services provided to English learners; (iii) a review of the dropout, graduation, discipline and special education incidence rates of the English learner population in the district; (iv) using the best available data, a review of the dropout, graduation, discipline and special education rates of English learners who exited the English learner education program within the 3 school years preceding the on-site visit for that 3-year period; (v) a description of the processes by which school-based teams, consisting of educators, administrators and support staff, monitor the progress of English learners and former English learners; (vi) a review of the amount, frequency and effectiveness of English as a second language instruction; and (vii) a review of the administration and coordination of English learner education programs.
 |
|  | **State Requirements** | **Federal Requirements** |
|  | G.L. c. 71A, §§ 4, 7A; 603 CMR 14.04 | Title VI; EEOA |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *The Department conducted an on-site visit to the school district to evaluate the effectiveness of programs serving English learners (ELs) as required by M.G.L. c. 71A, § 7A. A review of data as a part of the evaluation of the district's ELE program indicated that English learners do not demonstrate sufficient growth in English language acquisition and the ELE program needs improvement to promote and support the rapid acquisition of English language proficiency by ELs. Interviews and observations clarified that a clear vision for each of the ELE programs (TBE, DL, Newcomer and SEI) and a transition of students between programs, especially at high school level, is crucial for a successful implementation of these programs and consequently to improve student outcomes.*  *The compliance issues identified by the Department are as follows:** *Interviews, classroom observations and a review of documentation and student records indicated that ELs are placed in self-contained SEI classes until they reach overall English proficiency level 3.2 and overall literacy level 2.9 and they do not interact with their non-English peers except for electives classes and lunch time. While ELE programs may require that EL students receive separate instruction for a limited period of time and self-contained newcomer programs can be designed as a bridge to integrated SEI classrooms, ELs in the district stay in self-contained SEI classes for many years and sometimes as long as 5-6 years before they meet the district's exit criteria of overall ACCESS score 3.2 and literacy score 2.9 and transition to integrated SEI classes. The Department determines that the district is not carrying out its chosen program in the least segregative manner and maintains students in self-contained classes longer than necessary.*
* *Interviews, classroom observations and a review of documentation indicated that the district has an ESL curriculum used for ESL instruction in elementary schools. The district has also adopted StudySync (McGraw-Hill, 2017) for ELA instruction in the districts' middle schools. StudySync includes an English learner resource section which the district works on improving for ESL instruction by aligning StudySync to WIDA standards and adding scaffolds for ELs. However, the district does not have an ESL curriculum for high school level that is integral to an effective ELE program in which high school ELs of all proficiency levels become English proficient at a rapid pace.*
* *Interviews indicated that ELs with disabilities who are placed in substantially separate classroom do not receive ESL instruction in some of the district schools due to staffing shortage and, therefore, are not provided with both ELE services and disability-related services to which they are entitled under federal and state law. Please see 20 U.S.C. §§ 1400-1419; 34 C.F.R. pt. 300 (IDEA, Part B and its implementing regulations); 29 U.S.C. § 794, 34 C.F.R. pt. 104 and M.G.L. 71 A.*
* *Classroom observations and interviews revealed that ELs in dual programs do not receive systematic, explicit and sustained ESL instruction to develop the high level of English language proficiency needed for academic achievement and, therefore, the district is not in compliance with M.G.L. 71 A §4 that requires all English Learner Education (ELE)programs to include subject matter content and an English language acquisition component.*
* *The district has procedures in place to identify ELs who do not meet English proficiency benchmarks and a process to identify the areas in which identified ELs need improvement and establish personalized goals for attaining English proficiency; however, interviews and a review of lesson plans indicated that teachers who work with students who have not met their English language proficiency benchmarks do not plan their lessons to support students' learning goals and there is not a process to get parental input during the process or to track and assess the progress of ELs in the identified areas in need of improvement as it is required by M.G.L 71 A §11.*
* *Classroom observations and interviews indicated that English language development is not always happening in classrooms students are scheduled to receive ESL instruction in a push-in or co-teaching model and the ESL teacher rather assists the content teacher in teaching content standards.*
* *Interviews and a review of student records and documentation indicated that students are not provided ELA instruction until they meet the district's exit criteria of overall score of 3.2 and 2.9 literacy score to transition from the self-contained classes to integrated SEI classes.*
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| **CRITERION****NUMBER** | **III. PARENT AND COMMUNITY INVOLVEMENT** |
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|  | **Legal Standard** |
| ELE 8Declining Entry to a Program | 1. A parent or guardian of an English learner may withdraw the student from an English learner education program in accordance with state and federal law.
2. The district provides English language support to students whose parents have declined entry or withdrawn from a sheltered English immersion, dual language education or two-way immersion program, or other ELE program.
3. The written confirmation of the withdrawal shall be provided annually to the school by the parent or legal guardian and such confirmation shall be retained in the student's cumulative folder; and provided further, that the student shall retain the right to enter an ELE program at any time.
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|  | **State Requirements** | **Federal Requirements** |
|  | G.L. c. 71A §12; 603 CMR 14.04 | Title VI; EEOA |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of the district documentation and staff interviews indicate that the written confirmation of the withdrawal (opt-out request) is not provided annually to the school by parents as required by G.L. c. 71, §38Q1/2.* |

| **CRITERION****NUMBER** | **V. FACULTY, STAFF AND ADMINISTRATION** |
| --- | --- |
|  | **Legal Standard** |
| ELE 14Licensure Requirements | Licensure requirements for districts where ELs are enrolled: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.)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.Core academic teachers[[1]](#footnote-1) 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.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 an 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.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.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.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 core academic teacher responsible for the instructional component provided in a language other than English must hold the Bilingual Education Endorsement or a valid waiver issued by the Commissioner.A core academic teacher responsible for the instructional component provided in English must hold the Bilingual Education Endorsement or the SEI Endorsement.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.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.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. |
|  | **State Requirements** | **Federal Requirements** |
|  | 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); 603CMR 7.15(13)(d); 603 CMR 14.07 | Title VI; EEOA |
|  | **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. Staff interviews and a review of ELAR also demonstrated that some teachers assigned to teach ESL are not licensed in ESL.* |

1. For purposes of Sheltered English Immersion (SEI) and Bilingual Education Endorsements, “core academic teachers” include early childhood and elementary teachers, teachers of students with moderate disabilities, teachers of students with severe disabilities, and teachers of the following academic subjects: English, reading or language arts, mathematics, science, civics and government, economics, history, and geography. [↑](#footnote-ref-1)