

**Boston**

**Tiered Focused Monitoring Report**

**Onsite Dates:** **April 24, 2023 - May 5, 2023**

**Date of Final Report:** **07/17/2023**



Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

During the 2022-2023 school year, Boston participated in a Tiered Focused Monitoring Review conducted by the Department’s Office of Language Acquisition (OLA). The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on English Learner Education.

District/charter schools are reviewed every six years through Tiered Focused Monitoring. 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: Fallow-up Support

ELE 14: Licensure Requirements

ELE 15: Professional Development Requirements

ELE 18: Records of ELs

Tiered Focused Monitoring allows for differentiated monitoring based on a district’s level of need, the Tiers are defined as follows:

Districts in Tiers 1 and 2 have been determined to have no or low risk:

* Tier 1: Data points indicate no concern on compliance and performance outcomes – meets requirements.
* Tier 2: No demonstrated risk in areas with close link to student outcomes – low risk.

Districts in Tiers 3 and 4 have demonstrated greater risk:

* Tier 3: Areas of concern include both compliance and student outcomes – moderate risk.
* Tier 4: Areas of concern have profound effect on student outcomes and ongoing compliance – high risk.

The monitoring process differs depending on the tier assigned to the district as well as the district’s previous tier assignment.

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
* Classroom observations as applicable
* Parent and student focus groups as applicable

**Report:**

Within approximately 20 business days of the onsite visit, the onsite chairperson will forward to the superintendent or charter school leader the findings from the Tiered Focused Monitoring Review. Within 10 business days of receipt of the findings, the district reviews and comments on the findings for factual accuracy before they are finalized. After the report is finalized, districts 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 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. District and charter schools are expected to incorporate the CIMP actions into their district and school improvement plans, including their professional development plans.

# **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 and means that 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. |

For more information on the Tiered Focused Monitoring approach, please visit the Department’s [website](https://www.doe.mass.edu/ele/cpr/default.html).

Boston

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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

| **Improvement Area** **1** |
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| **Criterion:** ELE 3 - Initial Identification of ELs and FELs |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  The Department conducted a review of the district’s initial identification procedures to evaluate its compliance with the applicable requirements and identified the following issues:   * A review of documentation and interviews with staff and parents revealed that the district does not have appropriate procedures and practices in place to identify four-year old PreK students (K1) by using screening assessments identified by the Department for PreK students: PreLAS, PreLAS Observational Tool or Pre-IPT. * A review of documentation and interviews with staff and parents revealed that the district screens the English proficiency of PreK students in February using WIDA Screener for Kindergarten, six months before they start Kindergarten, to determine their eligibility for English learner education (ELE) services for when they start Kindergarten. Children who are of preschool and kindergarten age are acquiring language so quickly that any test done more than 6 months before the start of kindergarten could be outdated by the time the child actually starts kindergarten, and such an approach would not be consistent with WIDA assessment guidance. * A review of documentation and interviews with staff indicated that the district screens all incoming kindergarten students, regardless of when they enroll, in all four language domains even though the Department’s Guidance on English Learner Education Services and Programming states that students who enroll during the first semester of kindergarten should take only the Speaking and Listening components of the screening test, since all four domains are not developmentally appropriate at that time. * Interviews with staff revealed that the district does not screen students who enroll in kindergarten as first-year students in the district at the start of the school year or later until February 1 to determine their English language proficiency and to provide ELE services if they are ELs. Thus, the district is out of compliance with the requirement for screening of students for EL status within 30 days of enrollment in a school and does not start providing ELE services to ELs who are eligible for such services in a timely manner. * Staff interviews indicated that the district does not have appropriate procedures in place to determine the EL status of students who move to the district from another district and to provide them with appropriate ELE services without delay. For example, there is a lack of access to data platforms, such as EDWIN Analytics, to determine the EL status of students who move to the district from another district. * Staff interviews and a review of documentation indicated that the district does not have a process for identifying Former English Learners (FELs) who come from other districts so that the district can continue monitoring them for a total of four years. |

| **Improvement Area 2** |
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| **Criterion:** ELE 5 - Program Placement and Structure |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  The Department conducted a review of the district’s ELE programs and services provided to ELs and identified the following issues:  **SEI Programs**  The district's definition and implementation of Sheltered English Immersion (SEI) programs is not fully aligned to the current state requirements. The district has what it labels as “language specific” SEI programs, which serve only ELs who communicate in the same language and who are at the English language proficiency levels 1, 2 and 3. The district also has what it labels as SEI “multilingual programs”, which serve only ELs at the proficiency levels 1, 2 and 3 from various linguistic backgrounds. While identified by the district as SEI programs, these programs are not designed in a manner consistent with the current requirements for SEI programs.  The Department identified the following compliance issues with this practice:   * A review of documentation and staff interviews indicated that students in “language specific” SEI and “multilingual” SEI are grouped together both for English as a Second Language (ESL) and content instruction and have no or minimum opportunity to interact and learn with their English-speaking peers. In some cases, students remain in these classrooms for five (5) or more years. * Many students identified as ELs placed in “language-specific” or “multilingual” SEI classrooms do not have access to English Language Arts (ELA) classes and grade-level ELA instruction, and do not appear to have equal access to early college programs, electives, AP or world language classes. * Classroom observations and interviews revealed that some students who do not speak Spanish are assigned to schools where there is only a Spanish SEI program. ELs who do not communicate in Spanish and who are learning English have limited access to the content instruction delivered in the Spanish SEI programs. * Interviews with staff and classroom observations indicated that teachers in some SEI classes do not consistently shelter core content to make it accessible for ELs. * Staff interviews, documentation review and classroom observations indicated 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. This concern was elevated by staff members at different levels of the district during the review process. District leaders elevated this concern when they submitted the tiered focused monitoring self-assessment on August 31, 2022. In response to the statement "ELs are not segregated from their English-speaking peers, except where programmatically necessary to implement the ELE program," the district responded "no." Additionally, in response to whether the district's SEI program targets developmentally appropriate English language instruction, the district also said "no." These statements were corroborated by classroom observations and interviews conducted by the Department with school and district-based staff. Furthermore, some students in "language-specific" or "multilingual" SEI programs shared during focus groups that they feel isolated within these programs because they do not have opportunities to interact with their English-speaking peers and learn together with students who do not share their linguistic and cultural background. Some students also shared that they feel like this structure both hinders their English language development and continues to make it difficult to feel a sense of belonging even when they exit these classes.   The district serves EL students at proficiency level 4 outside of the SEI programs described above. In these classes, EL students are integrated with non-EL peers for content instruction. These classes were previously identified as "General Education" classes but are now described by the district as "SEI State Program" classes, since the Department provided feedback that these are still SEI classes as defined by state law. The Department identified the following issues with the way ELs are served in these classes:   * Interviews with educators conducted during the review process revealed that educators at schools that house these classes often consider them to be "general education classes" and do not view them as SEI classes in which EL students must receive sheltered content instruction. Although a student may be correctly listed in Aspen as having EL status, the district also provides an additional program code, coding ELs who are no longer in "language-specific" or "multilingual" SEI programs as "GenEd" even if they are still ELs. In some instances, this results in ELs not receiving the required sheltered content instruction.   **Dual Language Programs**   * Interviews with staff indicated that ELs with disabilities who are placed in sub-separate classrooms in dual language schools receive instruction only in English and do not have access to the dual language programs in the schools. * Dual language programs in the district do not include systematic, explicit, and sustained ESL as required, and some students with low English language proficiency levels who are placed in dual language programs struggle to acquire English.   **ESL Instruction**   * ELs with disabilities are not always provided with the ESL instruction that they need. * The district currently provides an “embedded ESL” model to ELs at English proficiency level 4 and to some students at proficiency level 3. Staff interviews, classroom observations, and a review of lesson plans indicated that instruction in “embedded ESL” classes primarily focuses on sheltering ELA/Humanities content and does not include systematic, explicit, and sustained ESL instruction. * Although the district is working on developing an ESL curriculum, a review of documentation, classroom observations and staff interviews indicated that currently the district does not have an ESL curriculum that is consistently used by schools in the district to support ESL instruction. * The district determines the amount and level of ESL instruction students will receive solely based on their ACCESS scores rather than considering their individual linguistic needs by analyzing other data such as data collected with formative and summative assessments. Thus, students do not always receive ESL instruction that meets their linguistic and academic needs. The Department has clarified to the district on multiple occasions this year, that, consistent with DESE’s Guidance on English Learner Education Services and Programming (pg. 20), districts should use the ACCESS 2.0 composite scores to plan for instructional placement decisions and ESL services. However, it has also maintained that districts should analyze these composite scores and triangulate them with other formative and summative data on students’ progress since the January/February ACCESS window to assign appropriate levels of ESL services for the coming school year. In this context, for example, a high school student who scored a composite 2.0 on ACCESS the previous year and completed an ESL 2 course but then went on to score a composite 2.9 on ACCESS this year, may not be best served by retaking the same ESL 2 course, depending on the student’s needs and other progress made, even though they still scored within a Level 2. This student may benefit from moving into an ESL 3 class. Further, the Department’s guidance gives districts the flexibility to determine whether students whose scores fall within 2.5-3.4 would be best served by services at either the Foundational or Transitional levels, depending on the student’s needs. During the review, Department staff received an updated district policy on ESL placement which seems to apply an inaccurate and overly rigid interpretation of the Department’s guidance. This new policy indicates that OMME will “auto-assign” students to ESL courses solely based on their ACCESS score (i.e., any student who scores between a composite 2.0-2.9 will automatically be assigned to an ESL 2 class, even if they already completed this class the previous year). The Department is concerned that this approach is not designed to meet students’ needs or promote the rapid acquisition of English; in fact, it may serve to hold more students back.   **Other**   * The district has procedures to identify ELs who do not meet English proficiency benchmarks and the areas in which such ELs need improvement and establish personalized goals for attaining English proficiency. However, the district does not consistently implement the benchmark requirements and its procedures relating to them, including incorporating parental input. * The district places some students in out-of-district placements to meet their unique needs. The district does not ensure that ELs in such out-of-district placements receive ELE services. * Although a student may be correctly listed in Aspen as having EL status, the district also provides an additional program code, coding students who are not Spanish speakers, but assigned to Spanish SEI programs, as “GenEd” instead of “ELs” even if they are ELs with various English language proficiency levels. This can result in students not always receiving the appropriate ELE programming. |

| **Improvement Area 3** |
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| **Criterion:** ELE 7 - Parent Involvement |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  The district has provided multiple opportunities and a variety of methods for parent-teacher communication. However, interviews with staff, students, and parents indicated that parents do not always receive the translation or interpretation needed to participate in matters pertaining to their children’s education. |

| **Improvement Area 4** |
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| **Criterion:** ELE 8 - Declining Entry to a Program |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  The Department reviewed the district's compliance with the criterion pertaining to parental rights to opt out of ELE services and the requirement to monitor the progress of such students and identified the issues below:   * A review of the district documentation and staff interviews indicated that the district does not annually obtain written confirmation from parents or legal guardians who chose to withdraw their ELs from ELE programming and such confirmation is not retained in the students’ cumulative folders as required by M.G.L. c. 71A, §12. * The district has policies and procedures to monitor the progress of students whose parents opted them out of ELE services. However, staff interviews and a review of student records indicated that the district does not consistently implement these policies and procedures to monitor the English language proficiency and academic progress of students who opted out of ELE services. |

| **Improvement Area 5** |
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| **Criterion:** ELE 10 - Parental Notification |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  A review of student records indicated that the district does not send progress reports to parents or legal guardians to inform them of the progress their children make towards acquiring English.  Interviews with staff also revealed that the district does not screen students who enroll in kindergarten as first-year students in the district at the start of the school year or later until February 1 of the current school year to determine their English language proficiency and to provide ELs with ELE services. Thus, the district is out of compliance with the requirement for providing certain notifications to parents of ELs no later than 30 days after the beginning of the school year. |

| **Improvement Area 6** |
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| **Criterion:** ELE 13 - Follow-up Support |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  The district has policies and procedures to monitor the progress of students who are FELs. However, staff interviews and a review of student records indicated that the district does not have a system in place to implement these policies and procedures consistently to ensure that students have not been prematurely exited, any academic deficits they incurred as a result of participation in the ELE program have been remedied, and they are meaningfully participating in the standard instructional program comparable to their never-EL peers. |

| **Improvement Area 7** |
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| **Criterion:** ELE 14 - Licensure Requirements |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  A review of the relevant SEI Endorsement data indicated that most core academic and career vocational technical teachers assigned to provide sheltered English instruction to ELs hold the SEI Teacher Endorsement, but some do not.  Staff interviews also indicated that most teachers who provide content instruction in a language other than English in the district's dual language programs hold the bilingual endorsement, but some do not. |

| **Improvement Area 8** |
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| **Criterion:** ELE 18 - Records of ELs |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:**  A review of the documents requested from the district indicated that the district does not consistently keep all the required documents in students' EL records. |