

*Massachusetts*

School and District  
**Accountability System**

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603 CMR 2.00, Regulations on Under-Performing Schools and School Districts, As Amended.

# I. Introduction

## Education Reform and Accountability

In 1993, with backing from the business and education communities, the Massachusetts Legislature passed the Education Reform Act, responding to the need for significant improvement to our public education system to meet the challenge of the next century. The law's "paramount goal" is to,

*...provide a public education system of sufficient quality to extend to all children the opportunity to reach their full potential and to lead lives as participants in the political and social life of the Commonwealth and as contributors to its economy (M.G.L. c. 69, section 1).*

With this law, Massachusetts joined many other states undertaking similarly sweeping reform of public education in the 1990s. This movement is marked by a shift in focus to student performance results as the key indicator of school quality, and to the adoption of systematic processes to hold schools and districts accountable for achieving those results. The law directs the Board of Education, the Commissioner, and the Department of Education to manage the unprecedented investment in public education that the law represents, by:

- setting student performance standards, including a graduation requirement;
- providing guidance and resources to assist schools and districts in delivering programs and services to enable students to meet those targets;
- assessing the effectiveness and monitoring the improvement of all public schools; and
- intervening, as needed, to ensure results.

Education Reform raised the stakes for all Massachusetts public schools by setting new, higher expectations for student performance and making high school graduation contingent on meeting those expectations. Massachusetts has always done well, relative to the rest of the country, on standardized tests of basic skills. Under Education Reform, however, schools are expected to prepare students to demonstrate a higher degree of content knowledge, cognitive skills, and problem solving abilities than those required to perform at acceptable levels on most norm-referenced, standardized tests.

Under the Education Reform Act, the State has adopted a funding formula designed to bring all schools to a level of spending that provides an adequate foundation for the delivery of effective education. By the year 2000, all schools and districts will have reached their foundation budget funding level. Important governance changes have also been made under Education Reform. These changes have expanded the responsibilities and authority of school principals and district superintendents, and placed in the hands of local school committees the responsibility to set goals for improved student performance, allocate resources to accomplish those objectives, and hold local administrators accountable for their achievement.

At the core of the academic changes brought about by Education Reform are the Curriculum Frameworks for the core subjects specified in the Act (English Language Arts, Mathematics, Science and Technology, History and Social Science, Foreign Languages, Health, and the Arts). The frameworks establish the standards for what students should know and be able to do at particular stages of their education. The Massachusetts Comprehensive Assessment System (MCAS), a criterion referenced test aligned with those standards, is designed to test whether students have learned the content and skills set out in the frameworks.

## **Measuring Student Progress and Holding Schools and Districts Accountable**

Having laid the groundwork for improvements in our public school system with financial and governance changes, the adoption of curriculum frameworks and implementation of the MCAS testing program, we are entering the accountability phase of Education Reform. The Department and Board of Education must assess the progress of schools and districts towards meeting State objectives and intervene, where necessary, to ensure that all schools are providing a high quality education to the students they serve. To this end, we have designed and are beginning to implement an accountability system that is educationally beneficial, inclusive, and administratively sound.

Massachusetts schools demonstrated a wide range of performance on the first MCAS tests given in 1998, from critically low to very high. Wherever on the performance spectrum they are starting, and regardless of school size, geographic location, or community demographics, the same high expectations apply to all Massachusetts public schools. Every school is expected to prepare its students in core academic subject areas so that, at the completion of tenth grade, they can meet rigorous State standards for high school graduation.

School districts must provide the organizational leadership and infrastructure necessary for their schools to provide a high quality education to every student. That is the ultimate goal of Education Reform. The proposed School and District Accountability System focuses on student results, expressed as both performance and improvement, and tracks the progress of every school in every district in improving the performance of its students toward State standards.

The State's role will be to monitor those results and support districts' efforts to improve student performance at each of their schools. The Department will analyze student performance data and conduct periodic evaluations of the quality of services and management provided by districts. This analysis will guide decisions about how and where to deploy State resources in the form of grants, technical assistance, self-assessment and planning, and targeted assistance.

## **II. Evaluating School Performance**

The Department will use the School Performance Rating Process to assess the extent to which all Massachusetts public schools are successfully preparing their students to demonstrate the skills and knowledge necessary to perform at an acceptable level on the MCAS tests in core academic subjects. While schools perform other important functions, such as supporting the healthy growth and development of our children, preparing students to meet State performance standards is at the core of every school's mission.

The School Performance Rating Process will provide policy makers and the public with important information on the impact our State's education reform efforts are having on student results. It will, at the same time, provide the Department with a valuable tool to identify: 1) schools with low performance that are not meeting improvement expectations; and 2) schools whose students have demonstrated impressive improvements or attained high levels of performance on MCAS tests. The Commissioner may refer low performing schools for review to determine whether the school should be declared under-performing, and what special support, assistance and oversight from local and state education authorities will be required to ensure that all students are provided a high quality education. Schools with positive ratings may be selected to serve as exemplars of effective teaching and/or school administration practices.

The performance categories used in the School Performance Rating Process describe the wide range of present performance by MA public schools. These categories provide a series of benchmarks to track the improvement achieved by our schools in decreasing the number of students failing, and increasing the number demonstrating proficient or advanced performance on MCAS tests. By setting specific

improvement expectations, the School Performance Rating Process will promote improved performance by all schools.

### A. The School Performance Rating Process

The School Performance Rating Process will measure schools' performance and improvement on the MCAS tests. At the end of each two-year cycle, a school will be assigned an overall performance rating and an overall improvement rating based on the school's performance over the cycle. Consequences for schools are based upon both ratings. The two-year cycle affords schools needed time, between rating points, to formulate and implement specific improvement strategies and provides a statistically reliable measure of a school's progress over time toward meeting State targets.

### MCAS Performance Categories & Improvement Expectations

A school's baseline performance will determine the amount of improvement the school is expected to make during the rating cycle. Six performance categories have been established to describe the percentages of a school's students scoring in the Proficient and Advanced and in the Failing MCAS performance levels. The improvement expected for each performance category is listed below.

Improvement will be measured using the school's average MCAS scaled score, for each content area and for the three content areas combined. The use of scaled scores to measure improvement enables us to capture movement *within* performance levels, providing a more sensitive and statistically reliable measure of change.

Performance Category	Percentage of Students Scoring in Proficient or Advanced		Percentage of Students Scoring Failing Level	Increase average scaled score by:
1	80% or more	and	5% or less	1-3 points
2	60% or more	and	10% or less	1-3 points
3	40% or more	and	20% or less	2-4 points
4	20% or more	and	40% or less	3-5 points
5	Less than 20%	or	60% or less	4-6 points
6			More than 60%	5-7 points

For the first rating cycle, data from the 1998 MCAS test will be compared with the average of the 1999 and 2000 results. In subsequent cycles, the two-year average of a school's performance in the prior cycle will serve as the baseline for the next cycle.

### Improvement and Performance Ratings

At the end of each cycle, a school's *overall improvement rating* will be determined by comparing its average improvement across all MCAS content areas to its overall improvement expectation. The school will receive one of the following improvement ratings: Failed to Meet (fell more than 1 point below target range), Approached (came within 1 point of target range), Met (scored within target range), or Exceeded (improved beyond target range).

An *overall performance rating* for the school will be calculated by averaging across the content areas the percentage of students scoring in the Failing and the Proficient or Advanced levels on MCAS tests administered during the two year rating cycle. The performance category into which the school's two year average falls will determine the school's overall performance rating. From the highest to lowest performance category listed in the table above, overall performance ratings will be as follows: *Very High, High, Moderate, Low, Very Low, Critically Low.*

**Example: Cycle 1 School Performance Rating**

**Baseline Performance and Improvement Expectations**

MCAS Content Area	Prof/Adv	Failing	Ave. Score	Performance Category	Improvement Expectation Increase score by:
ELA	44%	22%	233	4	3-5 points
Mathematics	11%	61%	216	6	5-7 points
Sci. & Tech.	15%	53%	220	5	4-6 points

**Overall Improvement Expected ← 4-6**

**Measuring and Rating Improvement at the end of Cycle 1**

MCAS Content Area	Baseline	Average of 1999 and 2000	Difference	Met Improvement Expectations?
ELA	233	235	2	Approached
Mathematics	216	223	7	MET
Sci. & Tech.	220	220	0	Failed to Meet
Average	223.0	226.0	3.0	<b>Approached</b>

**Measuring and Rating Performance at the end of Cycle 1**

MCAS Content Area	Average of 1999 and 2000 Data Prof/Adv	Failing	Performance Category
ELA	49%	16%	3
Mathematics	23%	46%	5
Sci. & Tech.	16%	52%	5
Average	29%	38%	<b>4 ←</b>

**Overall Improvement Rating**

**Overall Performance Category**

**Low ← Overall Performance Rating**

**Overall Ratings**

<b>PERFORMANCE</b>	Very High				
	High				
	Moderate				
	Low		Warning		
	Very Low				
	Critically Low				
		Failed to Meet	Approached	Met	Exceeded
		<b>IMPROVEMENT</b>			

**Interpreting Results**

A school's improvement and performance rating together will guide state action. State actions will include recognition for performance and/or improvement, warnings, and the identification of schools whose low performance and failure to meet improvement expectations warrant further review to determine appropriate state action. The matrix on the following page shows the actions that will result from each combination of performance and improvement ratings for Cycle 1 of the School Performance Rating Process.

# Interpretation of Accountability Ratings – State Action Guide

## OVERALL PERFORMANCE

<b>Very High</b>		<b>RECOGNITION</b> for very high performance	<b>RECOGNITION</b> for very high performance and for meeting improvement expectations Candidate for Exemplary Schools Program	<b>RECOGNITION</b> for very high performance and for exceeding improvement expectations Candidate for Exemplary Schools Program
	<b>High</b>		<b>RECOGNITION</b> for high performance and for meeting improvement expectations	<b>RECOGNITION</b> for high performance and for exceeding improvement expectations Candidate for Exemplary Schools Program
<b>Moderate</b>		<b>WARNING</b> that the school and district must strengthen improvement efforts	<b>RECOGNITION</b> for meeting improvement expectations	<b>RECOGNITION</b> for exceeding improvement expectations Candidate for Exemplary Schools Program
	<b>Low</b>	<b>WARNING</b> that the school and district must strengthen improvement efforts	<b>WARNING</b> that the school and district must strengthen improvement efforts	<b>RECOGNITION</b> for meeting improvement expectations <b>RECOGNITION</b> for exceeding improvement expectations Candidate for Exemplary Schools Program
<b>Very Low</b>		<b>REFERRED FOR REVIEW</b> to determine whether school should be declared under-performing High priority for district support and targeted state assistance	<b>REFERRED FOR REVIEW</b> to determine whether school should be declared under-performing High priority for district support and targeted state assistance	<b>RECOGNITION</b> for meeting improvement expectations High priority for district support and targeted state assistance <b>RECOGNITION</b> for exceeding improvement expectations Candidate for Exemplary Schools Program High priority for district support and targeted state assistance
	<b>Critically Low</b>	<b>REFERRED FOR REVIEW</b> to determine whether school should be declared under-performing Top priority for district support and targeted state assistance	<b>REFERRED FOR REVIEW</b> to determine whether school should be declared under-performing Top priority for district support and targeted state assistance	<b>RECOGNITION</b> for meeting improvement expectations High priority for district support and targeted state assistance <b>RECOGNITION</b> for exceeding improvement expectations Candidate for Exemplary Schools Program High priority for district support and targeted state assistance
	<b>Failed to Meet</b>	<b>Approached</b>	<b>Met</b>	<b>Exceeded</b>
	<b>OVERALL IMPROVEMENT</b>			

## B. Under-Performing Schools

Schools with low MCAS performance that do not meet improvement expectations may be referred to a Review Panel for more extensive evaluation. Schools' attendance and dropout rates and improvement trends may be considered in determining which schools will be referred for review. Schools that are referred for review will be required to submit a report to the Review Panel that will include:

- Additional student performance data, including results disaggregated by subgroups, and other standardized assessment data,
- An analysis of the factors that might have had an impact on a school's failure to make progress (e.g., focusing improvement efforts in one area, significant demographic changes in the district, faculty or leadership turnover),
- Evidence of the school's improvement initiatives implemented within the past 24 months, and improvement plans for the coming year (e.g., new instructional programs, professional development, reorganization, curriculum alignment).

In addition to reviewing the information in the report, the Review Panel will also meet with a team representing the school. The team will include the school's principal, a representative of the faculty, a parent representative, the district superintendent, and a representative of the district school committee. At the meeting the school team will have the opportunity to answer the Review Panel's questions and address their concerns. Using the information from the report and the meeting with the school team, the Review Panel will assess the likelihood for improved performance by the school if state intervention is not provided. The Review Panel will then provide the Commissioner with a report summarizing their findings.

Based on Review Panel's assessment, the Commissioner will either:

- 1.) **determine that if the school stays on the current course of action, it is likely to meet its improvement expectations in the next cycle.** Schools determined to be on course to improved results will be put on *academic watch*. The Department will actively monitor and support implementation of school and district plans to improve student performance results.
- or
- 2.) **declare the school to be *under-performing*.** In accordance with Massachusetts G. L. c. 69, s. 1J, when a school is declared to be *under-performing*, the Commissioner will appoint an independent fact-finding team to assess the reasons for under-performance and prospects for improvement. The fact-finding team will conduct a comprehensive on-site school inspection, including classroom observations, to evaluate the quality of the education provided by the school and to identify key shortcomings.

The fact-finding team will report its findings, in writing, to the Commissioner and to the district in which the school is located. Following the fact-finding process, the school must then submit an improvement plan to the Board of Education for its approval.

- The plan must include a statement detailing the support and oversight district officials will provide to ensure successful implementation of the school's improvement efforts.
- Before the plan is submitted to the Board, it must first be reviewed and approved, in writing, by the district superintendent and school committee.
- If the Commissioner, upon review of the plan, judges it to be adequate and appropriate in response to the conclusions of the fact-finding team, the plan will be forwarded to the Board.
- The Board may then accept, reject, or direct modification of the plan, or any parts of the plan.

During the period of implementation of the plan, the Department will provide the school with technical assistance for the improvement of the educational program provided to the students.

If the school fails to demonstrate significant improvement as dictated by its plan within twenty-four months after the approval of the plan, the Board may declare the school to be *chronically under-performing*. The school would then be subject to the provisions outlined in G. L. c 69, s. 1J.

### **C. Exemplary Schools Program**

The focus of the School and District Accountability System is on the improvement of all schools. In supporting this focus, the Department recognizes the importance of locating and learning from those schools that are making exceptional progress. The Exemplary Schools Program will provide a means for schools with successful educational practices and programs to share their expertise with other schools in the state. At the end of each rating cycle, two groups of schools will be eligible to apply to the Exemplary Schools Program:

- all schools that received an overall improvement rating as having exceeded expectations; and
- any school that received an overall improvement rating as having met expectations and that significantly outperformed demographically similar schools in the state in absolute performance.

Eligible schools that wish to participate in the Exemplary Schools Program will submit an application that will include additional performance data evident of school improvement and an analysis by the school of their reasons for success. Distinguished educators, appointed by the Commissioner, will review the application and other school performance data compiled by the Department, select a group of schools as finalists, and participate in comprehensive on-site inspections, including classroom observations, to evaluate the quality of the education provided by the school and elaborate factors contributing to the school's success. Based on the panel's findings and recommendations, the Commissioner will select schools to serve as exemplars.

The selected schools will not only have impressive improvement results, but also have the capacity and willingness to serve as a model for other schools. In addition to receiving special recognition, Exemplary Schools will be provided with resources to enable them to document and share innovative and effective school practices, programs and approaches with other schools in the state. For example, Exemplary Schools may serve as mentors for specific schools, may host visits at their school for teachers and administrators, or may present at conferences or workshops.

## **IV. Evaluating District Performance**

The District Performance Evaluation Process will consist of comprehensive on-site evaluations every five years, with mid-cycle reviews between, for each of the 357 districts in the Commonwealth. Central to the evaluation process is the expectation that every district develop and implement long-term and annual self-evaluation and district improvement planning processes led by the district school committee and superintendent, with active participation by teachers, parents, students, business and community leaders. The Department will provide guidance, and make training and assistance available for districts not already using a district improvement planning process.

Regular Department evaluations of district performance will be on a five year cycle, in two stages. The Department will conduct a comprehensive on-site district performance evaluation in approximately 70 districts each year, visiting each district in the state at least once every five years. A mid-cycle review of key data and documentation will be conducted for another 70 districts each year. Districts found to have performance deficiencies will be evaluated on a more frequent basis.

In evaluating the performance of a district, the Department will consider:

- the educational results for all students served by the district,
- the quality of curriculum, instruction, programs and services provided by the schools in the district, and
- the efficiency and effectiveness of the district's operational management and resource utilization.

When, as the result of this evaluation, the Department determines that inadequacies in the district's performance in one or more areas are not being effectively addressed, the district will have an opportunity to prepare a plan, submitted for Board approval, to remedy the shortcomings. The Department will provide technical assistance as needed in the preparation of that plan.

Districts cited for serious or widespread deficiencies that fail to submit an acceptable plan in the time specified by the Commissioner may be declared under-performing.

## **Key Questions**

The Department will use the answers to key questions, like the following, to evaluate district performance.

1. Are the district's students performing at levels that put them on course toward meeting state standards for high school graduation?
2. What are the performance results for identifiable subgroups of students in the district (gender, racial, language and low income status)?
3. Have the district's schools met their improvement expectations during the last two school performance rating cycles?
4. Is there evidence that the district has analyzed its student performance and improvement data—for all students, all student groups, and each school in the district—and used this data as a basis for formulating its improvement plans?
5. Are the district's improvement plans clear, adequate and appropriate, addressing needed improvements in critical areas, including quality of instruction, curriculum, programs, student support services, and instructional equipment and materials.
6. Is the district actively using well-designed and meaningful evaluation practices/procedures to assess:
  - Student performance (standardized, locally developed, diagnostic or classroom-based assessments), the performance of teachers and administrators,
  - Effectiveness of the various education programs and services, including those it operates for students in its regular education program and those in federally regulated program areas (e.g., special education and bilingual education),
  - Effectiveness and efficiency of district organizational and resource management?
7. Is there evidence that the district has made appropriate changes in staffing, programs, policies, services, and resource reallocation based on evaluation results?
8. Is the district in compliance with State requirements under Education Reform and with Federal requirements in regulated programs?

9. Is there evidence of effective governance and organizational management structures and processes at the School Committee, district central office, and school site levels?
10. Is the district using available resources creatively and efficiently to accomplish the district's improvement objectives?
11. Is the district actively developing community and business support, and accessing available state and federal grants, and private foundation support to enhance the quality and range of educational opportunities available to its students?
12. Is the district utilizing effective strategies to actively involve parents in initiatives designed to improve student performance in key areas?

## **Procedures**

An evaluation protocol and performance rating rubric will be developed to ensure consistency in the application of district performance evaluation criteria. District performance will be assessed and rated based on performance standards and evaluation criteria approved by the Commissioner and Board of Education.

The Department will submit an annual report to the Board on the results of the regular mid-cycle and five year district evaluations completed each year. The Board will use this information to identify districts that are *chronically under-performing*.

Over the next 6 months, in cooperation with the Department of Revenue, Local Services Division, we will be developing and piloting protocols and training for staff who will be participating in district performance evaluations.

## 603 CMR: DEPARTMENT OF EDUCATION

### 603 CMR 2.00: UNDER-PERFORMING SCHOOLS AND SCHOOL DISTRICTS

#### Section

- 2.01: Authority, Scope, and Purpose
- 2.02: Definitions
- 2.03: Under-performing Schools
- 2.04: Under-performing School Districts

#### 2.01: Authority, Scope and Purpose

- (1) 603 CMR 2.00 is promulgated pursuant to the authority of the Board of Education under M.G.L. c.69, ss. 1B and 1J.
- (2) 603 CMR 2.00 governs the Board's review of the adequacy of the educational opportunities and services provided by the Commonwealth's public schools, and identifies the circumstances under which the Board may declare a school or school district chronically under-performing and intervene in accordance with M.G.L. c. 69, ss. 1J and 1K.

#### 2.02 Definitions

Board shall mean the Board of Education, appointed in accordance with M.G.L. c. 15, s. 1E.

Commissioner shall mean the Commissioner of Education, appointed in accordance with M.G.L. c. 15, s. 1F.

Core academic subjects shall mean the subjects specified in M.G.L. c. 69, s. 1D (mathematics, science and technology, history and social science, English, foreign languages and the arts) and subjects covered in courses which are part of an approved vocational-technical education program under M.G.L. c. 74.

Department shall mean the Department of Education acting through the Commissioner of Education or his designee.

District or school district shall mean a municipal school department or regional school district, acting through its school committee or superintendent of schools; a county agricultural school, acting through its board of trustees or superintendent/director; or any other public school established by statute or charter, acting through its governing board or director.

School shall mean a single public school, consisting of one or more school buildings, which operates under the direct administration of a principal/director appointed by the school district in which the school is located.

District Performance Evaluation shall mean an evaluation conducted by the Department on a regularly scheduled basis to determine whether a district is making adequate provision for the delivery of a high quality education to all students served by the district, and whether the district is making effective and efficient use of available resources to improve the educational outcomes attained by students attending the district's schools. District Performance Evaluations shall be based on performance standards approved by the Commissioner and the Board. The Department shall publish and provide district officials with written guidelines for the District Performance Evaluation process.

Independent Fact-Finding Team shall mean a group of individuals appointed by the Commissioner pursuant to M.G. L. c. 69, s.1J or 1K to assess and report to the Commissioner and the Board on the reasons for a school or district's under-performance and prospects for its improvement. The Department shall recruit from among elementary and secondary educators and administrators, college and university faculty and administrators, educational program administrators and evaluators, other education professionals, business and legal professionals, parents, students, and members of the general public to serve as team members.

The size and composition of a fact-finding team shall be determined by the Commissioner after consultation with the Board or its designee, and shall vary depending on the size and type of school or district to be assessed and the findings upon which the declaration of under-performance is based.

Review Panel shall mean a group of no fewer than three individuals appointed by the Commissioner to review additional information on student performance and evaluate the improvement efforts and plans of a school that, as a consequence of the School Performance Rating Process, has been referred for review to determine whether it is under-performing. Review Panels shall be composed of members of the Department's professional staff, education and business professionals serving as consultants to the Department, and teachers and school administrators on part or full time leave from their districts to participate in State school and district evaluations. When feasible, review panels shall also include one or more participants from higher education, the business community, human services organizations, professional associations, or the general public.

School Performance Rating Cycle shall mean a two-year period at the conclusion of which the Department shall assign school improvement and performance ratings in accordance with the School Performance Rating Process approved by the Board.

School Performance Rating Process shall mean a process developed by the Department and approved by the Board which is used to evaluate the absolute performance and improvements made by a school toward meeting the State's goal of providing all students with meaningful opportunities to acquire the skills and knowledge they are expected to demonstrate on State assessments in core academic subjects.

### 2.03: Under-performing Schools

- (1) The Board shall adopt, and the Department shall implement, a School Performance Rating Process to track the performance and improvement demonstrated by Massachusetts public schools on State assessments in core academic subjects. The School Performance Rating Process and its implementation shall be explained in written guidelines published by the Department.
- (2) The Board shall adopt standards for the amount of improvement schools will be expected to demonstrate in each rating cycle. The amount of improvement expected of a school may vary from one rating cycle to another depending on the gap to be closed between a school's performance at the start of the rating cycle and State performance targets.
  - (a) Using the improvement expectations established by the Board, the Department shall determine the performance improvements that each Massachusetts public school is expected to make during a rating cycle, and shall give written notice to school and district officials of those expectations.
  - (b) At the end of each rating cycle, the Department shall provide a written report to the principal of each school and to the superintendent of the school district in which the school is located, stating the performance and improvement ratings achieved by the school through the State's School Performance Rating Process, and informing school and school district officials of any State actions forthcoming as a consequence of those ratings.
- (3) Whenever, at the conclusion of a school performance rating cycle, a school is determined not to have met its improvement expectations, the school's principal and school council, under the guidance and supervision of the district's superintendent and school committee, shall develop a written plan detailing actions the school will take to promote and support improved performance by students at that school, and a timetable for those actions. The district superintendent and school committee shall, in turn, develop a written plan detailing actions district officials will take, including allocation of the necessary human and financial resources, to support and oversee implementation of the school's improvement plan.
- (4) At the conclusion of each rating cycle, schools that fail to meet their assigned improvement expectations may be referred for review to determine whether the school is under-performing. The Commissioner shall determine, in each school performance rating cycle, the schools to be referred for review as a result of their failure to meet improvement expectations. Priority shall be given to the review of schools with the highest percentages of students performing in the failing and needs improvement levels on Massachusetts Comprehensive Assessment System (MCAS) tests. Schools' attendance and drop-out

rates and improvement trends may also be considered by the Commissioner in determining which schools shall be referred for review.

- (a) Each school referred for review to determine whether it should be declared under-performing shall be required to submit to the Department: 1) any supplemental data it has available demonstrating its students' academic performance on locally administered standardized assessments; 2) data on participation in foreign language study; 3) data on participation in arts instruction and performance; 4) evidence of the school's improvement efforts during the prior cycle, including efforts to actively engage parents/guardians in support of improved student performance; 5) an analysis of the reasons for the school's failure to meet its improvement expectations in the prior cycle, and 4) a copy of any plans developed by school and district officials to promote and support improved student results in the next rating cycle.
  - (b) For each school referred for review, the Department shall compile a report on other gauges of student learning. The report shall include data on student attendance and dropout data, suspensions and exclusions, academic results for special student populations, and grade retention.
  - (c) The Commissioner shall appoint a Review Panel to analyze and evaluate the documentation submitted by the school pursuant to 603 CMR 2.03 4(a), and prepared by the Department pursuant to 603 CMR 2.03 4(b). The school's principal, accompanied by representatives of its faculty and their union representative, a parent representative on the school council, the district superintendent, and a representative of the district school committee shall meet with the panel to answer questions and address the Review Panel's concerns.
  - (d) At the conclusion of their inquiry the Review Panel shall provide the Commissioner and the school and district with a brief written report stating its assessment of the likelihood that the school will meet State improvement expectations in the subsequent rating cycle in the absence of State intervention to direct and oversee needed improvements in the quality of education provided and /or the effectiveness of school or district management.
  - (e) The Commissioner, after consideration of the Review Panel's assessment and taking into account the availability of resources to support State intervention efforts, shall determine whether to:
    1. declare the school to be under-performing and commence the fact finding and improvement planning process mandated by M.G.L. c. 69, s. 1J ; or
    2. assign the school priority status for State assistance and place the school on academic warning until the end of the next rating cycle.
- (5) Whenever the Commissioner, at the conclusion of the process set forth at 603 CMR 2.02(4), declares a school to be under-performing he shall so notify the school and district and, after consultation with the Board or its designee, shall appoint a Fact-Finding Team to conduct a comprehensive on-site inspection of the school.
- (a) Persons who served on the Review Panel for a school referred for review and subsequently declared to be under-performing may, at the Commissioner's request, also serve as members of the Fact-Finding Team.
  - (b) The Fact-Finding Team's inspection of a school declared to be under-performing with guidelines established by the Department that conform to the requirements of M.G.L. c. 69, s. 1J.
  - (c) No later than 90 days from the date of its appointment, the Fact-Finding Team shall submit a written report of its findings and conclusions to the Commissioner and the Board, with copies to school and district officials and municipal officials of the city or town(s) with responsibility for the school.
  - (d) School, district and/or municipal officials shall have 10 business days to respond in writing to the Fact-Finding Team's report, prior to its transmittal to the Board. After 10 days, the Commissioner shall provide the Board with copies of the Fact-Finding Team's report and the response of local officials, if any.
- (6) In accordance with M.G. L. c. 69, s. 1J, no more than six months from the date on which a school is declared under-performing, the district in which the school is located must submit an improvement plan to the Board of Education for its approval.
- (a) The plan shall set forth specific goals for improvement, specific means for attaining such goals, and a timetable, not to exceed twenty-four months, for carrying out the plan. The plan shall address areas of deficiency identified by the Fact-Finding Team and shall detail the

support and oversight district officials will provide to ensure successful implementation of school-based improvement efforts.

- (b) No plan for improvement of an under-performing school's improvement plan shall be forwarded to the Board for its consideration unless that plan has first been reviewed and judged by the Commissioner to be adequate and appropriate.
  - (c) The Board, upon receipt of the proposed plan for improvement, may accept, reject, or direct the modification of that plan or any portion thereof.
- (7) Notwithstanding any provisions of 603 CMR 2.03 to the contrary, during the 1999 – 2000 school year the Department, as an interim step in the implementation of the school performance rating process, shall identify schools that demonstrated the lowest levels of performance on MCAS tests administered in 1998 that do not demonstrate improved performance on 1999 MCAS tests. The Commissioner may refer such schools for review, in accordance with the processes set forth at 603 CMR 2.03 (4) (a) – (e), and at the conclusion of said review shall determine whether any such school shall be declared under-performing. The provisions of 603 CMR 2.03 (5) and (6) and M.G. L. c. 69, s. 1J shall apply to schools that are declared, pursuant to this section, to be under-performing.
- (8) If an under-performing school fails to demonstrate significant improvement in student performance within 24 months after approval of a remedial plan by the Board, the Board may declare the school to be chronically under-performing. School officials of the district in which the school is located and members of the public shall have an opportunity to be heard by the Board prior to final action by the Board declaring a school chronically under-performing.
- (9) Upon declaration by the Board that a school is chronically under-performing, the Board shall intervene in accordance with M.G.L. c. 69, s. 1J, and shall issue a written order specifying actions which the school district shall take to improve the academic performance of students at the school. The principal appointed to lead a chronically under-performing school shall have the extraordinary powers specified in M.G.L. c. 69, s. 1J. The superintendent and school committee of the school district in which a chronically under-performing school is located shall ensure that all corrective actions ordered by the Board are implemented without delay.

#### 2.04: Under-performing School Districts

- (1) Every district shall develop and implement an annual self-evaluation and district improvement planning process, led by the district superintendent and school committee with active participation by teachers, parents, business and community leaders.
  - (a) The district's evaluation and planning process shall result, at least once in every five years, in the development of a written long-range plan to improve the educational programs and services and ensure the adequacy of educational facilities and equipment for students attending the district's schools.
  - (b) Annually, the district shall develop and implement a written plan stating specific goals for improved student performance and detailing the actions to be taken by the district to meet those goals.
  - (c) A district's long-range and annual improvement plans shall be premised on an analysis of data on performance by the district's students and an assessment of actions the district and its schools must take to improve that performance toward meeting State targets.
  - (d) Annual district improvement plans shall, in form and content, conform to requirements set forth in guidelines published by the Department.
- (2) A district's plan(s) to support the improvement of any school(s) within the district that has been declared to be under-performing and each school within the district that failed to meet its improvement expectations during the previous school performance rating cycle shall be incorporated into, and given high priority, in the district's annual improvement plan.
- (3) The Department shall evaluate all school districts on a regularly scheduled basis, and shall perform a comprehensive on-site evaluation of each district's performance at least once in every five years.
  - (a) District performance evaluations shall assess the level of academic proficiency being attained by students served by the district, the trends with respect to drop-out and attendance rates, the

- quality and adequacy of curriculum, instruction, programs, services, and facilities for students attending the district's schools, and the effectiveness and efficiency of the district's organizational management and resource utilization.
- (b) District performance shall be evaluated according to standards adopted by the Board, and shall be performed in accordance with guidelines published by the Department.
  - (c) The Department shall provide the written report of a district's five-year performance evaluation to the district and shall make it available to the public.
- (4) The Commissioner shall provide the Board with an annual report of the results of district performance evaluations performed by the Department.
- (5) The Commissioner shall advise the Board of any case in which a District Performance Evaluation conducted by the Department uncovered serious or widespread deficiencies in the quality of curriculum or instruction or in the adequacy of programs, services, operational management or facilities that, in the Commissioner's opinion, are likely to have a substantial negative effect on the educational achievement of students attending the district's schools. The Commissioner shall provide Board members with copies of the written District Performance Evaluation report for each district in which such deficiencies are identified.
- (a) The Board, after receipt and review of such a report, shall provide an opportunity for district officials to appear before the Board or a subcommittee thereof to explain the reasons for the district's performance deficiencies and offer a plan for their remediation.
  - (b) The Board, upon the recommendation of the Commissioner, may accept, reject, or require modification of the district's plan.
- (6) A determination by the Board, on recommendation of the Commissioner, that one or more of the conditions or occurrences set forth at 603 CMR 2.04(6)(a) through (f) exists with a particular school district shall constitute evidence of under-performance by the district, and shall trigger the Commissioner's appointment of an Independent Fact-Finding Team in accordance with M.G. L. c. 69, s. 1K.
- (a) Failure by the district's superintendent and school committee to agree to, or failure by the district to faithfully and diligently implement, a plan approved by the Commissioner and Board pursuant to 603 CMR 2.04(5)(b).
  - (b) Failure by a district to submit an acceptable plan, or to faithfully and diligently implement the plan approved by the Commissioner and Board, for the improvement of one or more schools declared, pursuant to M.G.L. c. 69, s. 1J and 603 CMR 2.03, to be under-performing.
  - (c) Failure by a district to remedy, within the time period specified by the Department or permitted by statute or agency rule, a serious violation of state or federal law regarding the provision or operation of required public education programs or services.
  - (d) Failure by a district to correct, within the time period specified by the Department, any school facility deficiency that seriously impedes the delivery of education services or poses a serious health or safety risk to district students.
  - (e) Failure by a school district or its governing city or town(s) to comply substantially with the appropriation and spending requirements set forth at M.G. L. c. 70, 603 CMR 10.00, and any special legislative enactment related to the financing of public education.
  - (f) Failure by a school district to properly manage, lawfully expend, or truthfully report the district's use of funds appropriated or awarded for the support of public education.
- (7) In the course of its review of school district operations, the fact-finding team shall consider the following:
- (a) Effectiveness of school and school district leadership.
  - (b) District-wide curriculum and program policies and practices.
  - (c) Student learning time policy and plans.
  - (d) School district personnel evaluation standards and practices.
  - (e) School district professional development policies, plans and offerings.
  - (f) School district budgeting and fiscal accountability practices.
  - (g) School district governance policies and practices.
  - (h) School facilities upkeep and improvement plans.
  - (i) Mobility of the student population served by the district.

- (j) Other factors that the Commissioner or team members deem significant with respect to the performance of the particular school district under review.
- (8) Officials of the school district and the responsible municipality(s) shall be provided with copies of the fact-finding team's conclusions and recommendations, and copies shall be available to the public, on request. School district and municipal officials and members of the public shall have an opportunity to be heard by the Board prior to final action by the Board to declare the district to be chronically under-performing.
- (9) When, after following the procedures set forth in 603 CMR 2.04(6), (7) and (8), the Board determines that, in its judgement, inadequate or unsound educational or fiscal practices by a school district are negatively affecting the academic performance of students within the district's schools, the Board may declare the school district to be chronically under-performing. When a school district is declared to be chronically under-performing, the Board shall designate a receiver for the district. The receiver shall report to and take direction from the Commissioner, and shall have all of the powers normally vested in the superintendent and school committee, as provided by M.G.L. c. 69, s. 1K.
- (10) The Board shall proceed in accordance with M.G.L. c. 69, s. 1K when requested to modify or terminate a school district receivership order.