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| ESE LogoStarLogo08_A |  | **Holliston Public Schools****COORDINATED PROGRAM REVIEW****REPORT OF FINDINGS****Dates of Onsite Visit:** **May 22-26, 2017****Date of Draft Report:** **July 31, 2017****Date of Final Report: September 19, 2017****Action Plan Due: October 18, 2017****Department of Elementary and Secondary Education Onsite Team Members:****Joan Brinckerhoff, Office of Public School Monitoring (PSM) Chair****Sally Orme, PSM****Matthew Nixon, PSM****Melanie Manares, Office of English Language Acquisition and Academic Achievement (OELAAA) Chair** |
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Holliston Public Schools**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Holliston Public Schools**

**SCOPE OF COORDINATED PROGRAM REVIEWS**

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through the Coordinated Program Review (CPR). All reviews cover selected requirements in the following areas:

Special Education (SE)

* selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education’s Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007. The 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

Civil Rights Methods of Administration and Other General Education Requirements (CR)

* selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
* selected requirements from the Massachusetts Board of Education’s Physical Restraint regulations (603 CMR 46.00).
* selected requirements from the Massachusetts Board of Education’s Student Learning Time regulations (603 CMR 27.00).
* various requirements under other federal and state laws.
* The 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

English Learner Education (ELE) in Public Schools

* selected requirements from M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students, and 603 CMR 14.00, as well as the No Child Left Behind Act of 2001 and Title VI of the Civil Rights Act of 1964. During the 2016 - 2017 school year, all districts that enroll limited English proficient students will be reviewed using a combination of updated standards and a self-assessment instrument overseen by the Department’s Office of Language Acquisition and Academic Achievement (OELAAA), including a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

College, Career and Technical Education (CCTE)

* college, career and technical education programs under the federal Carl D. Perkins Vocational and Technical Education Act of 1998 and M.G.L. c. 74.

Districts providing Title I services participate in Title I program monitoring during the same year they are scheduled for a Coordinated Program Review. Details regarding the Title I program monitoring process are available at: <http://www.doe.mass.edu/titlei/monitoring>.

**COORDINATED PROGRAM REVIEW 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 two to five days in a school district or charter school.

**Timing:** Each school district and charter school in the Commonwealth is scheduled to receive a Coordinated Program Review every six years and a mid-cycle special education follow-up visit three years after the Coordinated Program Review; approximately 66 school districts and charter schools are scheduled for Coordinated Program Reviews in 2016 - 2017, of which all districts participated in the Web-based Monitoring System (WBMS). The Department’s

2016 - 2017 schedule of Coordinated Program Reviews is posted on the Department’s web site at <<<http://www.doe.mass.edu/pqa/review/cpr/schedule.html>>>.  The statewide six-year Program Review cycle, including the Department’s Mid-cycle follow-up monitoring schedule, is posted at <<<http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html>>>.

**Criteria:** The Program Review criteria for each WBMS review begins with the district/school conducting a self-assessment across all 56 current special education criteria and 26 civil rights criteria. The Office of Public School Monitoring through its Desk Review procedures examines the district/school’s self-assessment submission and determines which criteria will be followed–up on through onsite verification activities. For more details, please see the section on **The Web-based Approach to** **Special Education and Civil Rights Monitoring** at the beginning of the School District Information Package for Special Education and Civil Rights.

The requirements selected for review in all of the regulated programs are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993 to promote student achievement and high standards for all students.

**WBMS Methods:** Methods used in reviewing special education and civil rights programs include:

Self-Assessment Phase:

* District/school review of special education and civil rights documentation for required elements including document uploads. Upon completion of this portion of the district/school’s self-assessment, it is submitted to the Department for review.
* District/school review of a sample of special education student records selected across grade levels, disability categories and level of need. Additional requirements for the appropriate selection of the student record sample can be found in **Appendix II: Student Record Review Procedures** of the School District Information Package for Special Education.

Upon completion of these two portions of the district/school’s self-assessment, it is submitted to the Department for review.

On-site Verification Phase: Includes activities selected from the following;

* Interviews of administrative, instructional, and support staff consistent with those criteria selected for onsite verification.
* Interviews of parent advisory council (PAC) representatives and other telephone interviews, as requested, by other parents or members of the general public.
* Review of student records for special education: The Department may select a sample of student records from those the district reviewed as part of its self-assessment, as well as records chosen by the Department from the special education student roster. The onsite team will conduct this review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
* Surveys of parents of students with disabilities: Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the district’s implementation of special education programs, related services, and procedural requirements.
* Observation of classrooms and other facilities: The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.
* Review of additional documents for special education or civil rights.

**Methods for all other programs in the Coordinated Program Review:**

* Review of documentation about the operation of the charter school or district's programs.
* Interviews of administrative, instructional, and support staff across all grade levels.
* Telephone interviews as requested by other parents or members of the general public.
* Review of student records for English learner education and college, career and technical education:  The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
* Surveys of parents of English learners whose files are selected for the record review are sent a survey of their experiences with the district's implementation of the English learner education program and related procedural requirements.
* Observation of classrooms and other facilities: The onsite team visits a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

**Report:** **Preparation:**

At the end of the onsite visit, the onsite team will hold 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 will forward to the superintendent or charter school leader (and collaborative director where applicable) a Draft Report containing comments from the Program Review. The Draft Report comments for special education and civil rights are provided to the district/school on-line through the Web-based Monitoring System (WBMS). These comments will, once the district has had a chance to respond, form the basis for any findings by the Department. The district (and collaborative) will then have 10 business days to review the report for accuracy before the publication of a Final Report with ratings and findings (see below). The 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/pqa/review/cpr/reports/>>.

**Content of Final Report:**

*Ratings.* In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are “Commendable,” “Implemented,” “Implementation in Progress,” “Partially Implemented,” “Not Implemented,” and “Not Applicable.” “Implementation in Progress,” used for criteria containing new or updated legal requirements, 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.

*Findings.* The onsite team includes a finding in the Final Report for each criterion that it rates “Commendable,” “Partially Implemented,” “Not Implemented,” or “Implementation in Progress,” explaining the basis for the rating. It may also include findings for other related criteria.

**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. **School districts and charter schools 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 Program Review Report.**

# **INTRODUCTION TO THE FINAL REPORT**

#

A four-member Massachusetts Department of Elementary and Secondary Education team conducted a Coordinated Program Review in Holliston Public Schools during the week of May 22, 2017 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, and English learner education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district.

The onsite team would like to commend the following area that was brought to its attention and that it believes has a significant and positive impact on the delivery of educational services for students enrolled in the Holliston Public Schools. This area is as follows:

 **SE 32: Parent advisory council for special education**

*The Holliston Parent Advisory Council for Special Education (PAC) has developed methods to conduct outreach to all parents of students with disabilities and other interested parties, which includes sending a booklet/welcome kit to parents of students with disabilities and assigning a PAC member to each school as a contact. In addition, the PAC keeps parents informed by providing links to a variety of workshops, websites, and articles on its Facebook page. The PAC also partners with the district’s Parent-Teacher Organization (PTO) and with neighboring districts to present parent education events.*

The Department is submitting the following Coordinated Program Review Report containing findings made pursuant to this onsite visit. In preparing this report, the team reviewed 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 six administrative staff.
* Interviews of 33 teaching and support services staff across all levels.
* Interview of one parent advisory council (PAC) representative.
* Interview of one parent of an English learner.
* Interviews as requested by persons from the general public.
* Student record review: A sample of 46 special education student records and 15 English learner education student records was reviewed by the Department.
* Surveys of parents of students with disabilities: 50 parents of students with disabilities were sent surveys that solicited information about their experiences with the district’s implementation of special education programs, related services and procedural requirements. Eighteen of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
* Surveys of parents of ELE students: Ten parents of ELE students were sent surveys that solicited information about their experiences with the district’s implementation of English learner education programs, services, and procedural requirements. One of these parent surveys was returned to the Department of Elementary and Secondary Education for review.
* Observation of classrooms and other facilities. A sample of 15 instructional classrooms and other school facilities used in the delivery of programs and services was visited to examine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are:

**Component I: Assessment of Students**

**Component II: Student Identification and Program Placement**

**Component III: Parent and Community Involvement**

**Component IV: Curriculum and Instruction**

**Component V: Student Support Services**

**Component VI: Faculty, Staff and Administration**

**Component VII: Facilities**

**Component VIII: Program Evaluation**

**Component IX: Recordkeeping and Fund Use**

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| The district conducted a self-assessment and the Department reviewed all of the criteria in the specific program areas. The Coordinated Program Review Report includes those criteria that were found by the team to be implemented in a “Commendable” manner, as well as criteria receiving a rating of "Partially Implemented," "Not Implemented," or “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) **Program Review Reports no longer include criteria receiving a rating of “Implemented” or “Not Applicable.”** This change will allow the district and the Department to focus their efforts on those areas requiring corrective action. For those criteria receiving a rating of “Partially Implemented” or “Not Implemented,” the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. For any criteria receiving a rating of “Implementation in Progress,” the district must indicate the steps the district will continue to take in order to fulfill the regulatory requirements. Districts are expected to incorporate the corrective actions into their district and school improvement plans, including their professional development plans. |

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| **DEFINITION OF COMPLIANCE RATINGS** |
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| **Commendable** | Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation. |
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| **Implemented** | The requirement is substantially met in all important aspects. |
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| **Implementation in Progress** | This rating is used for criteria containing new or updated legal requirements 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. |
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| **Not Applicable**  | The requirement does not apply to the school district or charter school. |

**Holliston Public Schools**

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

**RECEIVING A COMMENDABLE RATING**

**FROM THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

|  |  |  |
| --- | --- | --- |
| **Special Education** | **Civil Rights and Other General Education Requirements** | **English Learner Education** |
| SE 32 |  |  |

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Special Education** | **Civil Rights and Other General Education Requirements** | **English Learner Education** |
| **IMPLEMENTED** | SE 2, SE 3, SE 3A, SE 4, SE 5, SE 6, SE 7, SE 8, SE 9, SE 9A, SE 10, SE 11, SE 12, SE 13, SE 14, SE 15, SE 16, SE 17, SE 18B, SE 19, SE 20, SE 21, SE 22, SE 25, SE 25A, SE 25B, SE 26, SE 27, SE 29, SE 33, SE 34, SE 35, SE 36, SE 38, SE 39A, SE 39B, SE 40, SE 41, SE 42, SE 43, SE 44, SE 45, SE 46, SE 47, SE 48, SE 49, SE 50, SE 51, SE 52, SE 52A, SE 53, SE 54, SE 55, SE 56, SE 59 | CR 3, CR 6, CR 7A, CR 7B, CR 7C, CR 8, CR 10, CR 10B, CR 11A, CR 13, CR 14, CR 15, CR 16, CR 17A, CR 18, CR 18A, CR 20, CR 21, CR 22, CR 23, CR 25, CR 26A | ELE 1, ELE 2, ELE 4, ELE 5, ELE 6, ELE 7, ELE 8, ELE 9, ELE 10, ELE 11, ELE 12, ELE 13, ELE 14, ELE 15, ELE 16, ELE 18 |
| **PARTIALLY****IMPLEMENTED** | SE 1, SE 18A, SE 24, SE 37 | CR 7, CR 9, CR 10A, CR 10C, CR 12A, CR 24 | ELE 3 |
| **NOT IMPLEMENTED** |  |  | ELE 17 |
| **OTHER CRITERIA****REQUIRING****RESPONSE** |  |  |  |

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| **SPECIAL EDUCATION** **LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** | **SPECIAL EDUCATION****I. ASSESSMENT OF STUDENTS** |
| --- | --- |
|  | **Legal Standard** |
| **SE 1** | Assessments are appropriately selected and interpreted for students referred for evaluation1. Tests and other evaluation materials are:
	1. Validated
	2. administered and interpreted by trained individuals
	3. tailored to assess specific areas of educational need and related developmental needs
	4. selected and administered to reflect aptitude and achievement levels and related developmental needs
	5. as free as possible from cultural and linguistic bias
	6. provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally
	7. not the sole criterion for determining an appropriate educational program
	8. not only those designed to provide a single general intelligence quotient
	9. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure
	10. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors
2. In interpreting evaluation data and making decisions, the district:
	1. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent
	2. ensures that information obtained from these sources is considered
	3. ensures that the placement decision conforms with placement in the least restrictive environment
	4. includes information related to enabling the student to be involved in and progress in the general curriculum
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04603 CMR 28.05 |  |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records indicated that the district does not ensure that tests and other evaluation materials are tailored to assess specific areas of educational need and related developmental needs for preschool students. Although the district has several assessments for preschoolers, record review demonstrated that initial eligibility determinations are frequently based on the results of screening tools.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 18A** | IEP development and content1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting.
2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.
3. The school district ensures that the IEP will not be changed outside of the Team meeting.
4. Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.
5. For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(3); G.L.c. 71 B, section 3, as amended by Chapter 92 of the Acts of 2010 | IDEA-97: 34 CFR Part 300, Appendix A, Question #22 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records indicated that IEP Teams do not consistently address all elements of the current IEP format provided by the Department of Elementary and Secondary Education. Specifically, the Present Levels of Educational Performance (PLEP) B: Other Educational Needs is frequently blank. As a result, the PLEP B does not address the student’s overall involvement within his/her school, including participation in extracurricular and other nonacademic activities, how the student communicates with others, and how assistive technology might support his/her effective progress.* |

| **CRITERION****NUMBER** | SPECIAL EDUCATION**III. PARENTAL INVOLVEMENT** |
| --- | --- |
|  | **Legal Standard** |
| **SE 24** | Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development.
2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the student's parent(s) within 5 school days of receipt of the referral, along with the district’s notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student’s skills or abilities and to consult regarding the evaluators to be used.
3. For all other actions, the district gives notice complying with federal requirements within a reasonable time.
4. The school district provides the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation.
5. The district provides parents with an opportunity to consult with the Administrator of Special Education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments
6. The school district does not limit a parent’s right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in general education that may be described in the district’s curriculum accommodation plan, including any pre-referral program.
7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student’s development.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 71B, § 3; 603 CMR 28.04(1) | 34 CFR 300.503; 300.504(a)(1) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records indicated that information included in the narrative description of the Notice of Proposed School District Action (N1) does not consistently contain sufficient detail of the district’s proposed actions. Specifically, N1s accompanying evaluation consent forms (N1A) do not always indicate the assessments and evaluations to be conducted.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 32** | Parent advisory council for special education 1. The school district has established a district-wide parent advisory council on special education.
2. Membership on the council is offered to all parents of students with disabilities and other interested parties.
3. The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school district’s special education programs.
4. The parent advisory council has established by-laws regarding officers and operational procedures.
5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources.
6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4) |  |
|  | **Rating:** |  **Commendable**  | **District Response Required:** | **No** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and interviews with parents and administration indicated that the district has established a special education parent advisory council (PAC), which includes by-laws, the election of officers, and operational procedures. The PAC sends a booklet/welcome kit to parents whose children have been determined eligible for special education. These welcome kits, which have been translated into Spanish and Portuguese, are printed by the high school’s transition program and are stocked in each school and at the public library. In addition to having a PAC representative assigned to each school, PAC members also regularly attend School Committee meetings. The district frequently collaborates with the PAC executive committee, providing space for meetings; membership to a statewide organization that provides information, training, and networking opportunities; and a web page on the district’s website. The PAC also has a Facebook page, where links to a variety of workshops, websites, and articles are posted. The PAC partners with the district’s Parent-Teacher Organization (PTO) and with neighboring districts to present parent education events. The district also conducts, in cooperation with the PAC, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 37** | Procedures for approved and unapproved out-of-district placements1. Individual student program oversight: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students’ files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district program.
2. Student right to full procedural protections: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district program.
3. Preference to approved programs: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department.
4. Written contracts: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5), and specifically include a statement that the district shall not contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, gender identity or national origin, or that discriminates against qualified persons with disabilities.
5. Use of unapproved programs: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student’s IEP. Students placed by the school district in such programs are entitled to the full protections of state and federal special education law and regulation.
6. Placement documentation: The following documentation is maintained by the school district pursuant to its placement of students in unapproved out-of-district programs:
	1. Search: The Administrator of Special Education documents the search for and unavailability of a program approved by the Department. The Administrator places such documentation in the student record.
	2. Evaluation of facility: The Administrator of Special Education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student’s IEP in a safe and educationally appropriate environment. Such evaluation determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility.
	3. School district approval to operate a private school in Massachusetts: If services in an unapproved program are provided in a school setting, the Administrator of Special Education ensures that such school has received approval from the school committee where the private school is located under M.G.L. c.76, §1 and a copy of such approval is retained in the student record.
	4. Pricing: Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the Administrator obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student’s tuition is the lowest price charged for similar services to any student in that program.
	5. Notification of the Department of Elementary and Secondary Education: Prior to placement, if the Team determines that placement in such facility is appropriate, the Administrator notifies the Department of the intent to place the student and the name and location of the proposed placement before placing the student into the program by sending a completed mandated 28M3 form titled “Notice of Intent to Seek Approval for Individual Student Program” and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as any documentation of the Department’s objections to such placement and the steps the district has taken in regard to such objection. The district maintains documentation of the approved price for publicly-funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.
	6. Out of state programs: If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Education ensures that such school has received approval from the host state.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 76, s. 1603 CMR 18.00; 28.02(14);28.06(2)(f) and (3); 28.09 808 CMR 1.00 | 34 CFR 300.2(c) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the district's written contracts with all public and private out-of-district placements specifically include a statement that the district shall not contract with any placement that discriminates on the grounds of race, color, religion, sexual orientation, or national origin, or that discriminates against qualified persons with disabilities. However, this statement does not address the protected category of gender identity.* |

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| **CIVIL RIGHTS** **METHODS OF ADMINISTRATION (CR)** **AND** **OTHER RELATED GENERAL EDUCATION REQUIREMENTS****LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)**AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS****III. PARENTAL INVOLVEMENT** |
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|  | **Legal Standard** |
| **CR 7** | Information to be translated into languages other than English1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages.
2. School or program recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills.
 |
|  | Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the district does not consistently translate important information and documents, such as handbooks and codes of conduct, into its major languages of Spanish and Portuguese. The district website has an online translation option, but the translator is not functional for linked documents such as the student handbook, code of conduct, or Bullying Prevention and Intervention Plan.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 9 | Hiring and employment practices of prospective employers of students1. The district requires employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, handicap, religion and sexual orientation.
2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experiences.
 |
|  | Authority: M.G.L. c. 76, § 5; 603 CMR 26.07(5) as amended by Chapter 199 of the Acts of 2011. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that although the district requires prospective employers recruiting at the high school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices, this statement does not address gender identity and sexual orientation as protected categories.* |

| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS**V. STUDENT SUPPORT SERVICES** |
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|  | **Legal Standard** |
| **CR 10A** | Student handbooks and codes of conduct1. 1. The district has a code of conduct for students and one for teachers.
	2. The principal of every school containing grades 9-12 prepares, in consultation with the school council, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the school council reviews and revises the student code of conduct every year.
	3. The principal of every school containing other grades distributes the district’s student code of conduct to students, parents, and personnel annually.
	4. At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language.
2. Student codes of conduct contain:
	1. procedures assuring due process in disciplinary proceedings and
	2. the district’s responsibility to provide every student with an opportunity to make academic progress during the period of suspension whether in-school, out-of-school, or expulsion.
	3. appropriate procedures for the discipline of students with disabilities and students with Section 504 Accommodation Plans.
	4. if a charter school or a virtual school, the designation by the board of trustees as to who shall serve as the principal and who shall serve as superintendent for the purpose of 603 CMR 53.00.
3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain:
	1. a nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, gender identity, religion, or sexual orientation, or discrimination on those same bases;
	2. the school’s procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and
	3. the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.
 |
|  | Section 504; M.G.L. c. 71, § 37H; M.G.L. c. 71, § 37H ¾; 603 CMR 53.00; 603 CMR 26.08 as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that student handbooks/codes of conduct do not consistently contain a nondiscrimination policy that affirms each school’s non-tolerance for harassment based on race, color, national origin, sex, gender identity, religion, or sexual orientation, or discrimination on those same bases. Document review also indicated that the high school handbook does not include procedures for accepting, investigating and resolving complaints alleging discrimination.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 10C | Student DisciplineEach school committee and board of trustees shall ensure that policies and procedures are in place in public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L.c. 71, section 37H ¾, M.G.L.c. 76, section 21, and 603 CMR 53.00. These policies and procedures must address or establish, but are not limited to:1. The notice of suspension and hearing;
2. Procedures for emergency removal;
3. Procedures for principal hearings for both short and long-term suspension;
4. Procedures for in-school suspension;
5. Procedures for superintendent hearing;
6. Procedures for education services and academic progress (School-wide Education Service Plan);
7. A system for periodic review of discipline data by special populations;
8. Alternatives to suspension.
 |
|  | M.G.L.c. 71, section 37H ¾, M.G.L.c. 76, section 21, and 603 CMR 53.00, M.G.L.c. 71 section 38R and Chapter 77 of the Acts of 2013. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and administrative interviews indicated that the district’s student discipline policies and procedures do not address alternatives to suspension that include evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and supports. Document review and administrative interviews also indicated that although the district collects and annually reports data to the Department regarding in-school suspensions, short- and long-term suspensions, expulsions, and emergency removals, the district has not developed a system for periodic review of discipline data by principals to assess the extent of suspensions and removals or the impact of such disciplinary action on selected student populations.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 12A | Annual and continuous notification concerning nondiscrimination and coordinators1. If the district offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, gender identity, sex or disability. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.
2. In all cases, the district takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the district, that it does not discriminate on the basis of race, color, national origin, gender identity, sex, or disability. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.
3. Written materials and other media used to publicize a school include a notice that the school does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, or sexual orientation.
 |
|  | Title VI: 42 U.S.C. 2000d; 34 CFR 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.8(a), 106.9; Section 504: 29 U.S.C. 794; 34 CFR 104.8; M.G.L. c. 76, § 5; 603 CMR 26.02(2) as amended by Chapter 199 of the Acts of 2011. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:**  |
| *A review of documents indicated that the district’s annual and continuous notification concerning nondiscrimination does not provide the name(s), office address and phone number of the coordinator for compliance under Section 504.* |

| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)**AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS****VIII. PROGRAM PLAN AND EVALUATION** |
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|  | **Legal Standard** |
| **CR 24** | Curriculum reviewThe district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials. |
|  | M.G.L. c. 76, § 5; 603 CMR 26.05(2) as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the district does not ensure that individual teachers review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation; and that appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in materials.* |

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

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| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
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|  | **Legal Standard** |
| ELE 3 | **Initial Identification**1. The district uses qualified staff, appropriate procedures, and state-required assessments to identify students who are ELs and to assess their level of English proficiency in reading, writing, speaking, and listening.
2. Each school district shall establish procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may be English learners and assess their level of English proficiency upon their enrollment in the school district.

**Authority: Title VI; EEOA; G.L. c. 71A, §§ 4, 5; 603 CMR 14.02; G.L c. 76, § 5; 603 CMR 26.03** |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the district has policies and procedures established for the identification of English learners (ELs) that are consistent with Department guidelines; however, the initial identification testing data submitted by the district reveals that Kindergarten students were screened using the Pre-LAS, which is a screener approved by the Department for students at the Preschool level only.* *The district’s current initial identification practices are not consistent with the district’s policies and procedures and with 603 CMR 14.02(1) that requires districts to follow Department’s guidelines for initial identification of ELs. Please see the “Guidance on Identification, Assessment, Placement, and Reclassification of English Language Learners” as found at* [*http://www.doe.mass.edu/ell/guidance/Guidance.pdf*](http://www.doe.mass.edu/ell/guidance/Guidance.pdf). |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**VIII. PROGRAM PLAN AND EVALUATION** |
| --- | --- |
|  | **Legal Standard** |
| ELE 17 | **Program Evaluation**The district conducts periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program. Where the district documents that the program is not effective, it takes steps to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.**Authority: Title VI; EEOA. Title III § 3121**  |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the district does not have a formal process for evaluating the effectiveness of its ELE programming and does not document steps taken to make appropriate program adjustments or changes, if needed.* |

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| This Coordinated Program Review Final Report is also available at:<http://www.doe.mass.edu/pqa/review/cpr/reports/>.Profile information supplied by each charter school and school district, including information for individual schools within districts, is available at <http://profiles.doe.mass.edu/>. |

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