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| ESE LogoStarLogo08_A |  | **Phoenix Academy Public Charter High School Springfield****COORDINATED PROGRAM REVIEW****REPORT OF FINDINGS****Dates of Onsite Visit:** **May 11-12, 2017****Date of Draft Report:** **August 9, 2017****Date of Final Report: September 15, 2017****Action Plan Due: October 16, 2017****Department of Elementary and Secondary Education Onsite Team Members:****Marc Oldenburg, Office of Public School Monitoring (PSM) Chair****Amy Krukonis, PSM****David Valade, 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**

**Phoenix Academy Public Charter High School Springfield**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Phoenix Academy Public Charter High School Springfield**

**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)

* career/vocational 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 three-member Massachusetts Department of Elementary and Secondary Education team conducted a Coordinated Program Review at Phoenix Academy Public Charter High School Springfield during the week of May 8, 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 charter school.

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 charter school's programs, together with information gathered by means of the following Department program review methods:

* Interviews of three administrative staff.
* Interviews of 11 teaching and support services staff across all levels.
* Interview of one parent advisory council (PAC) representative.
* Interviews as requested by persons from the general public.
* Student record review: A sample of 21special education student records and 22 English learner education student records.
* Surveys of parents of students with disabilities: 41 parents of students with disabilities were sent surveys that solicited information about their experiences with the charter school’s implementation of special education programs, related services and procedural requirements. Thirteen of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
* Surveys of parents of ELE students: 13 parents of ELE students were sent surveys that solicited information about their experiences with the charter school’s implementation of English learner education programs, services, and procedural requirements. No parent surveys were returned to the Department of Elementary and Secondary Education for review.
* Observation of classrooms and other facilities. A sample of four 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 charter school 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 charter school 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 charter school must indicate the steps the school will continue to take in order to fulfill the regulatory requirements. Charter schools are expected to incorporate the corrective actions into their 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. |

Phoenix Academy Public Charter High School Springfield

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Special Education** | **Civil Rights and Other General Education Requirements** | **English Learner Education** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3, SE 3A, SE 4, SE 5, SE 6, SE 7, SE 8, SE 9A, SE 10, SE 11, SE 12, SE 15, SE 18A, SE 18B, SE 19, SE 20, SE 21, SE 22, SE 24, SE 25, SE 25A, SE 25B, SE 26, SE 27, SE 29, SE 32, SE 33, SE 34, SE 35, SE 36, 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 7, CR 7A, CR 7B, CR 7C, CR 8, CR 9, CR 10, CR 10B, CR 10C, CR 12A, CR 13, CR 14, CR 15, CR 18, CR 18A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25, CR 26A | ELE 1, ELE 2, ELE 4, ELE 6, ELE 9, ELE 10, ELE 12, ELE 16, ELE 17 |
| **PARTIALLY****IMPLEMENTED** | SE 9, SE 13, SE 14, SE 40, SE 41 | CR 10A, CR 11A, CR 16, CR 17A | ELE 3, ELE 5, ELE 7, ELE 11, ELE 18 |
| **NOT IMPLEMENTED** |  |   | ELE 8, ELE 13, ELE 14, ELE 15 |
| **NOT APPLICABLE** | SE 16, SE 17, SE 37, SE 38, SE 39A, SE 39B, SE 42 |  |  |

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

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| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| SE 9 | Timeline for determination of eligibility and provision of documentation to parentWithin forty‑five (45) school working days after receipt of the parent's written consent to an initial evaluation or a re‑evaluation, the school district determines whether the student is eligible for special education and provides to the parent either a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility. |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(1); 28.06(2)(e) |  |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicated that the charter school does not consistently convene an IEP Team within forty-five school working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation to determine whether the student is eligible for special education, and provide to the parent either a proposed IEP and proposed placement or a written explanation of the finding of no eligibility.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 13** | Progress Reports and content 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.
2. Progress report information sent to parents includes written information on the student’s progress toward the annual goals in the IEP.
3. Where a student’s eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.07(3) | 34 CFR 300.305(e)(3); 300.320(a)(3) |
|  | **Rating:** |  **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicated that parents do not receive reports on a student's progress towards reaching the IEP goals at least as often as parents are informed of the progress of non-disabled students.**Additionally, student record review and interviews indicated that when a student's eligibility terminates because the student graduates from secondary school or exceeds the age of eligibility, the charter school does not provide the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 14** | Review and revision of IEPs1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student’s progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.
2. The IEP Team reviews and revises the IEP to address any lack of expected progress towards the annual goals and in the general curriculum.
3. Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student’s IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(3) | 34 CFR 300.324(a)(4), (6) and (b) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicated that a Team meeting is not consistently held at least annually, on or before the anniversary date of the IEP, to review, revise, or develop a new IEP, consider the student's progress and/or refer the student for a re-evaluation, as appropriate.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 40** | Instructional grouping requirements for students aged five and older1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP.
2. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs.
3. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students’ school schedule, group size does not exceed
	1. 8 students with a certified special educator,
	2. 12 students if the certified special educator is assisted by 1 aide, and
	3. 16 students if the certified special educator is assisted by 2 aides
4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students’ school schedule, the district provides instructional groupings that do not exceed
	1. 8 students to 1 certified special educator or
	2. 12 students to 1 certified special educator and 1 aide.
5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Administrator of Special Education and the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school.
6. In such cases, the Administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated.
7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.06(6) |  |
|  | **Rating:** |  **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicated that the charter school exceeds the maximum instructional groupings for students receiving services outside of the general education classroom for 60% or less of the students’ school schedule in the following special education pull-out classrooms: Study Skills (room 209, period 2) has a total student enrollment of 24 students and is serviced by one special education teacher and one paraprofessional; Category 1 Literature (room 209, period 5) has a total student enrollment of 16 students and is serviced by one special education teacher and one paraprofessional; and Algebra 1 (room 211, period 4) has a total student enrollment of 15 students and is serviced by one special education teacher and one paraprofessional.*  |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 41** | Age span requirementsThe ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the Commissioner of Elementary and Secondary Education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education. |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.06(6)(f) |  |
|  | **Rating:** |  **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicated that in the special education pull-out classroom for Study Skills, the ages of the youngest and oldest student differ by more than 48 months.* |

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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**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:** |
| *Document review and interviews indicated that the student handbook does not contain procedures for accepting, investigating and resolving complaints alleging discrimination or harassment and disciplinary measures the charter school may impose if it determines that harassment or discrimination has occurred.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **CR 11A** | Designation of coordinator(s); grievance procedures1. The district has designated one or more staff persons to serve as coordinator(s) for compliance with its responsibilities under Title IX, Section 504, and (if it employs 50 or more persons) Title II.
2. The district has adopted and disseminated grievance procedures for students and for employees providing for prompt and equitable resolution of complaints alleging discrimination based on sex or disability.
 |
|  | Title IX: 20 U.S.C. 1681; 34 CFR 106.8; Section 504: 29 U.S.C. 794; 34 CFR 104.7; Title II: 42 U.S.C. 12132; 28 CFR 35.107 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicated that the charter school has not designated one or more staff person(s) to serve as the coordinator for compliance with its responsibilities under Title IX and Section 504.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 16 | Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion1. No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school where the student last attended has sent notice within 5 days from the student’s tenth consecutive absence to the student and the parent/guardian of the student in English and the primary language of the parent or guardian (to the extent practicable). The notice shall offer at least two dates and times for an exit interview between the superintendent (or designee) and the student and the parent/guardian to occur prior to the student permanently leaving school. The notice shall include contact information for scheduling the exit interview and indicate that the parties shall agree to a date and time for the exit interview and that the interview shall occur within 10 days of the notice. The time and the date for the exit interview may be extended at the request of the parent/guardian but for no longer than 14 days. The superintendent or designee may proceed with an exit interview without a parent/guardian if the superintendent or designee makes a good faith effort to include the parent/guardian.
2. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education programs and services available to the student. The superintendent (or designee) shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent/guardian. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and a list of alternative education program and services available to the student.
3. Any district serving students in high school grades sends annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school
	1. to inform them of the availability of publicly funded post-high school academic support programs and
	2. to encourage them to participate in those programs.

At a minimum, the district sends annual written notice by first class mail to the last known address of each such student who attended a high school in the district within the past two years.1. The Superintendent shall annually report to the Department the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement the student has taken.
 |
|  | M.G.L. c. 76, §§ 5, 18; St. 1965, c. 741 |
|  | **Rating:** |  **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicated that the charter school does not provide written notice annually for two years to former students who have not yet earned their competency determination and who have not transferred to another school to inform them of the availability of publicly funded post-high school academic support programs and to encourage them to participate in those programs.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 17A | Use of physical restraint on any student enrolled in a publicly-funded education program1. Public education programs must develop and implement written restraint prevention and behavior support policy and procedures consistent with new regulations 603CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.
	1. restraint prevention and behavior support policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students.
	2. restraint prevention and behavior support policy and procedures shall include, but not be limited to: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents and youth in discussions about restraint prevention and use; a description and explanation of the program’s alternatives to physical restraint and method of physical restraint in emergency situations; a statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.03; a description of the program’s training requirements, reporting requirements, and follow-up procedures; a procedure for receiving and investigating complaints; a procedure for conducting periodic review of data and documentation on the program’s use of restraint; a procedure for implementing the reporting requirements; a procedure for making both oral and written notification to the parent; and a procedure for the use of time-out.
2. Each principal or director shall determine a time and method to provide all program staff with training regarding the program’s restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.
3. At the beginning of each school year, the principal of each public education program or his/her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall have in-depth training on the use of physical restraint.
4. The program administers physical restraint on students only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.
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|  | M.G.L. c. 71, § 37G; 603 CMR 46.00 effective January 1, 2016 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicated that the charter school’s restraint prevention and behavior support policy and procedures have not been updated to include all required content consistent with regulatory requirements that went into effect January 1, 2016. The updated policy and procedures do not include: 1) methods for preventing student violence, self-injurious behavior and suicide;* *2) methods for engaging parents in discussions about restraint prevention and use; 3) a description and explanation of the program’s alternatives to physical restraint and methods of physical restraint in emergency situations; 4) a statement prohibiting medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.03; 5) a description of the program’s training requirements; 6) a procedure for receiving and investigating complaints; 7) a procedure for conducting periodic review of data and documentation on the program’s use of restraint; and 8) a procedure for the use of time-out.**Furthermore, training on the restraint prevention and behavior support policy and procedures for staff hired after the school year begins does not occur within the first month of their employment.* |

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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:** |
| *Document review and interviews indicated that the charter school does not have policies and procedures in place for accurately identifying English learners (ELs) in a timely, valid and reliable manner. Although there is an existing work flow to administer the home language survey and the screening test if necessary, the Department identified the following compliance issues:** *Students are not consistently placed in the ELE program with a valid screening score.*
* *A review of student data revealed that the charter school failed to identify some students who enrolled in the school as ELs and did not provide them with ELE services that they are entitled to receive by federal and state laws and regulations.*
* *According to the student data, some students were only identified as ELs after they failed and were retained in their grade level.*

*The charter school’s current initial identification practices are not consistent with 603 CMR 14.02(1) that requires charter schools to establish initial identification policies and procedures in accordance with ESE guidelines. 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**II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** |
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|  | **Legal Standard** |
| ELE 5 | **Program Placement and Structure**1. The district uses assessment data to plan and implement educational programs for students at different instructional levels.
2. G.L. c. 71A, **§** 5 requires that students classified as ELs be educated either in a Sheltered English immersion (SEI) program or Two-Way Immersion program (TWI), unless a program waiver is sought for another ELE program model, such as Transitional Bilingual Education (TBE). The requirement to provide English language development services to ELs applies to all districts that enroll one or more EL students.
3. Core academic teachers in ALL of these programs are expected to hold the SEI Teacher Endorsement and to shelter the content for ELs to make the content of their lessons more comprehensible and to promote the development of academic language needed to successfully master content standards by providing English language development (ELD) to ELs.
4. Districts are required to include ESL instruction in the implementation of their ELE program to advance English language development and promote academic achievement of ELs.

**Authority: Title VI; EEOA; G.L. c. 71A, §§ 2, 4, 7; 603 CMR 7.15; 603 CMR 14.07** |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Interviews, a review of the Castañeda Three-Pronged Test completed by the school and student data indicated that ELs do not receive as much ESL instruction as the school determined necessary for ELs to make adequate progress, and there are inconsistencies in the level of ESL instruction provided to ELs at the same proficiency levels. Furthermore, some students who enroll in the school as ELs are coded as non-ELs and are not provided services they are entitled to receive by federal and state laws and regulations. See ELE 3.**After an evaluation of the school's English Learner Student Learning Target numbers, the Department concluded that ELs in the charter school are not appropriately served and that the school's ELE program is not effective in developing students' English language skills. Please see the charter school’s English Learner Student Learning Targets in the Security Portal at* [*https://gateway.edu.state.ma.us*](https://gateway.edu.state.ma.us)*.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**III. PARENT AND COMMUNITY INVOLVEMENT** |
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|  | **Legal Standard** |
| ELE 7 | **Parent Involvement**The district develops ways to include parents or guardians of ELs in matters pertaining to their children's education and ELE programs.**Authority: Title VI; EEOA; Title III; G.L. c. 71A, § 7** |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Although document review provided evidence of two PAC meetings held in spring 2016, record review indicated that language assistance and translation of the important documents are not consistently provided to parents whose preferred language is not English and, therefore, the school does not meet the obligation to communicate effectively with such parents and fails to include them in matters pertaining to their children’s education.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**III. PARENT AND COMMUNITY INVOLVEMENT** |
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|  | **Legal Standard** |
| ELE 8 | **Declining Entry to a Program**The district provides English language support to students whose parents have declined entry to a sheltered English immersion, two-way immersion, or other ELE program.**Authority: Title VI; EEOA; G.L. c. 71, §38Q1/2** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review, document review and interviews indicated that the school does not actively monitor the progress of the students whose parents opted out of the ELE program to ensure that these students’ linguistic and academic needs are met and the charter school takes affirmative steps and appropriate action as required by the law to provide them access to its educational programs.*  |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**V. STUDENT SUPPORT SERVICES** |
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|  | **Legal Standard** |
| ELE 11 | **Equal Access to Academic Programs and Services**1. The district does not segregate ELs from their English-speaking peers, except where programmatically necessary, to implement an ELE program.
2. The district ensures that ELs participate fully with their English-speaking peers and are provided support in non-core academic courses.
3. The district ensures that ELs have the opportunity to receive support services, such as guidance and counseling, in a language that the student understands.
4. The district ensures that ELs are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs.
5. The district uses grade appropriate content objectives for ELs that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members.
6. Reserved.
7. The district provides access to the full range of academic opportunities and supports afforded non-ELs, such as special education services, Section 504 Accommodation Plans, Title I services, career and technical education, and the supports outlined in the district's curriculum accommodation plan.
8. Information in notices such as activities, responsibilities, and academic standards provided to all students is provided to ELs in a language and mode of communication that they understand.

**Authority: Title VI; EEOA; G.L. c. 71, § 38Q1/2; 603 CMR 28.03(3)(a);** **c. 71A, § 7; c. 76, § 5; 603 CMR 26.03; 603 CMR 26.07(8); 34 CFR 300.304(c) (2)** |
|  | **Rating:** |  **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that ELs do not receive credit for work done in English Language Education classes, and these classes are not included on student report cards.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**V. STUDENT SUPPORT SERVICES** |
| --- | --- |
|  | **Legal Standard** |
| ELE 13 | **Follow-Up Support**1. The district actively monitors students who have exited an ELE education program for four years and provides language support to those students, if needed.
2. The district provides language support, if needed, to remedy any academic deficits the student incurred as a result of participation in the ELE program.

**Authority: Title VI; EEOA; NCLB; Title III** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicated that the charter school failed to identify students who enrolled in the district as Former English Learners (FELs) and did not monitor such students to ensure that they make adequate progress and provide them with support, if needed.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**VI. FACULTY, STAFF AND ADMINISTRATION** |
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|  | **Legal Standard** |
| ELE 14 | **Licensure Requirements**Licensure requirements for districts where ELs are enrolled:Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language or Transitional Bilingual Education, or ELL license under G.L. c.71**,** § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.)Except at Commonwealth charter schools, *every* teacher or other educational staff member who teaches ELLs holds an appropriate license or current waiver issued by the Massachusetts Department of Elementary and Secondary Education.Core academic teachers\* of ELs, including charter schools and education collaboratives, must hold an SEI Teacher Endorsement as set forth in 603 CMR 7.00 and this section. A core academic teacher who does not have the Endorsement may be assigned an EL but the teacher must obtain the SEI Endorsement within a year of the assignment, as set forth at 603 CMR 7.15(9)(b)1.\* Under Department regulations adopted in June 2012, starting on July 1, 2016, core academic teachers (including pre-school teachers) in public schools who are assigned to teach ELs must have an SEI Endorsement or must earn the Endorsement within one year of the assignment. 603 CMR §§7.15(9)(b)1 and 14.07(3); The following teachers are “core academic teachers” for purposes of providing SEI instruction: teachers of students with moderate disabilities; teachers of students with severe disabilities; subject-area teachers in English, reading or language arts; mathematics, science; civics and government, economics, history, and geography; and early childhood and elementary teachers who teach such content. Core academic teachers of ELs at Commonwealth charter schools are not required to hold an educator license but they are subject to the same SEI Endorsement requirements as core academic teachers of ELs in other public schools.Any school district that assigns an EL to a core academic teacher who has a year to obtain an SEI endorsement, must take all reasonable steps to ensure that such EL is assigned to core academic teachers with an SEI endorsement in subsequent school years.Starting on July 1, 2016, no principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an English learner unless such principal, assistant principal, or supervisor/director holds an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.Except at Commonwealth charter schools, any director of ELE program(s) who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language (ESL), Transitional Bilingual Education (TBE) or an ELL license.If a district with 200 or more ELs—including all charter schools with 200 or more ELs—has a director of EL programs, that director has an English as a Second Language, Transitional Bilingual Education, or an EL license even if he or she is employed in that position for less than one-half time. (This requirement does not apply separately to Horace Mann charter schools.)**Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(qq); St. 2002, c. 218, §§ 24, 25, 30; 603 CMR 7.04(3), 7.09(3); 603 CMR 7.14 (1) and (2); 603 CMR 7.15(9)(b); 603 CMR 14.07.** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and an ELAR review indicated that the charter school does not have at least one teacher assigned to provide ESL instruction who has an English as a Second Language or Transitional Bilingual Education, or ELL license as required under G.L. c. 71, § 38G and* *603 CMR 7.04(3) and the ESL teacher assigned to provide ESL instruction does not hold an ESL license or a current waiver issued by the Massachusetts Department of Elementary and Secondary Education.* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**VI. FACULTY, STAFF AND ADMINISTRATION** |
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|  | **Legal Standard** |
| ELE 15 | **Professional Development Standards**1. Districts with ELs must develop a professional development plan and provide training for teachers in second language acquisition techniques for the re-certification of teachers and administrators. In accordance with 603 CMR 44.06(1)(a), as of July 1, 2016, educators with professional licenses must earn at least 15 Professional Development Points related to SEI or English as a Second Language in order to be eligible to renew their licenses.
2. Districts awarded Title III funds must provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is:

(A) designed to improve the instruction and assessment of ELs;(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for ELs;(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom.**Authority: NCLB; Title III § 3115 (c) 2; EEOA; 603 CMR 14.07;** **G.L. c. 71, §§ 38G and 38Q** |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the charter school did not include a professional development plan to provide training in second language acquisition for the re-certification of teachers and administrators. The school's current professional development procedures are not in compliance with* *603 CMR 44.06(1)(a).* |

| **CRITERION****NUMBER** | ENGLISH LEARNER EDUCATION**IX. RECORD KEEPING** |
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|  | **Legal Standard** |
| ELE 18 | **Records of ELL Students**ELL student records include:1. home language survey;
2. results of identification and proficiency tests and evaluations;
3. ACCESS for ELLs report;
4. MCAS/PARCC report;
5. information about students' previous school experiences if available;
6. copies of parent notification letters;
7. progress reports, in the native language, if necessary;
8. report cards, in the native language, if necessary;
9. evidence of follow-up monitoring, if applicable;
10. documentation of a parent’s consent to “opt-out” of ESL instruction, if applicable;
11. waiver documentation, if applicable;
12. individualized learning plan (optional).

**Authority: Title VI; EEOA; G.L. c. 69, § 1I; c. 71A, §§ 5, 7; 603 CMR 14.02, 14.04** |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that EL student records do not consistently include copies of home language surveys, ACCESS results, MCAS/PARCC reports, information about students' previous school experiences, and progress reports and report cards.* |

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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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