|  |  |  |
| --- | --- | --- |
| ESE logoStarLogo08_A |  | **Berkshire Arts and Technology Charter Public School**  **COORDINATED PROGRAM REVIEW**  **REPORT OF FINDINGS**  **Dates of Onsite Visit:** **January 18-19, 2018**  **Date of Draft Report:** **February 02, 2018**  **Date of Final Report: March 28, 2018**  **Action Plan Due: April 25, 2018**  **Department of Elementary and Secondary Education Onsite Team Members:**  **Sandra Hanig, Office of Public School Monitoring (PSM) Chair**  **Amy Krukonis, PSM**  **Sibel Hughes, Office of English Language Acquisition and Academic Achievement (OELAAA) Chair** |
|  |  |  |
|  |  |  |

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Berkshire Arts and Technology Charter Public School**

[SCOPE OF COORDINATED PROGRAM REVIEWS 3](#_Toc256000000)

[COORDINATED PROGRAM REVIEW ELEMENTS 4](#_Toc256000001)

[REPORT INTRODUCTION 7](#_Toc256000002)

[DEFINITION OF COMPLIANCE RATINGS 9](#_Toc256000003)

[LEGAL STANDARDS, COMPLIANCE RATINGS AND FINDINGS: 10](#_Toc256000004)

[SPECIAL EDUCATION 11](#_Toc256000005)

[CIVIL RIGHTS AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS 13](#_Toc256000006)

[ENGLISH LEARNER EDUCATION 17](#_Toc256000007)

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**COORDINATED PROGRAM REVIEW REPORT**

**Berkshire Arts and Technology Charter Public School**

**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 2017 - 2018 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 2017 - 2018 Web-based Monitoring System (WBMS) charter schools 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 2017 - 2018 school year, all charter schools 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 English 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.

Charter schools 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 charter school 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 68 school districts and charter schools are scheduled for Coordinated Program Reviews in 2017 - 2018, of which all districts and schools participated in the Web-based Monitoring System (WBMS). The Department’s 2017 - 2018 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/school 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 are sent a survey that solicits information regarding their experiences with the district’s/school’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/school (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/school 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**

# 

The Massachusetts Department of Elementary and Secondary Education conducted a Coordinated Program Review of Berkshire Arts and Technology Charter Public School during the week of

January 15, 2018, 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:

* Administrative staff
* Teaching and support services staff
* Special education parent advisory council representative
* Parent of an English learner
* Persons from the general public

Student record reviews:

* Special education student records
* English learner student records

Surveys:

* Parents of students with disabilities
* Parents of English learners

Observations of classrooms and other facilities

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**

|  |
| --- |
| 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. |

|  |  |
| --- | --- |
| **DEFINITION OF COMPLIANCE RATINGS** | |
|  | |
| **Commendable** | Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation. |
|  | |
| **Implemented** | The requirement is substantially met in all important aspects. |
|  | |
| **Implementation in Progress** | This rating is used for criteria containing new or updated legal requirements and means that the district/school has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year. |
|  | |
| **Partially Implemented** | The requirement, in one or several important aspects, is not entirely met. |
|  | |
| **Not Implemented** | The requirement is totally or substantially not met. |
|  | |
| **Not Applicable** | The requirement does not apply to the school district or charter school. |

Berkshire Arts and Technology Charter Public School

**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 8,  SE 9, SE 9A, SE 10, SE 11, SE 12, SE 13, SE 14, 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 40, SE 41, 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 10A, CR 10B,  CR 10C, CR 11A,  CR 12A, CR 13,  CR 14, CR 15, CR 16, CR 18, CR 18A,  CR 20, CR 21, CR 22, CR 24, CR 25, CR 26A | ELE 1, ELE 2, ELE 4, ELE 5, ELE 6, ELE 7, ELE 8, ELE 9, ELE 10, ELE 13, ELE 17, ELE 18 |
| **PARTIALLY**  **IMPLEMENTED** | SE 7 | CR 10, CR 17A, CR 23 | ELE 3, ELE 14 |
| **NOT IMPLEMENTED** |  |  | ELE 15 |
| **NOT APPLICABLE** | SE 16, SE 17, SE 37, SE 38, SE 39, SE 42 |  |  |

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

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **SE 7** | Transfer of parental rights at age of majority and student participation and consent at the age of majority   1. At least one year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student’s 18th birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old. 2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student with decision-making authority to continue the student’s special education program. 3. The district continues to send the parent written notices and the parent will have the right to inspect the student’s records, but the parent will no longer have decision-making authority, except as provided below:    1. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.    2. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student’s choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.    3. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.07(5) | | 34 CFR 300. 320(c), 300.520 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and interviews indicate that at least one year prior to the student reaching age 18, the charter school does not document in the IEP the discussion of the rights that will transfer from the parent or guardian to the student upon the student's 18th birthday. Additionally, upon reaching the age of 18, the school does not ensure that the IEP is signed consistent with the student's choice, as documented on the administrative data page of the IEP, to share, delegate, or maintain sole decision-making authority to continue the student's special education program.* |

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

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| CR 10 | Anti-Hazing Reports   1. The principal of each secondary school in the district issues a copy of M.G.L. c. 269 §§ 17 through 19, to every student enrolled full-time, and every student group, student team, or student organization, including every unaffiliated student group, student team, or student organization, and a copy of the school's anti-hazing disciplinary policy approved by the school committee. 2. Each secondary school files, at least annually, a report with the Department certifying    1. Its compliance with its responsibility to inform student groups, teams, or organizations, and every full-time enrolled student, of the provisions of M.G.L. c. 269 §§ 17 through 19;    2. Its adoption of a disciplinary policy with regard to the organizers and participants of hazing; and    3. That the hazing policy has been included in the student handbook or other means of communicating school policies to students. | | | |
|  | Authority: M.G.L. c. 269, ss. 17-19 | | | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate the school issues a copy of M.G.L. c. 269 §§ 17 through 19, regarding anti-hazing, and a copy of the school's anti-hazing disciplinary policy to students participating in sports teams, but does not to students participating in other student groups or organizations.* |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| CR 17A | Use of physical restraint on any student enrolled in a publicly-funded education program   1. 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. | | | |
|  | M.G.L. c. 71, § 37G; 603 CMR 46.00 effective January 1, 2016 | | | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicates that the charter school’s restraint prevention and behavior support policy and procedures do not include: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents in discussions about restraint prevention and use; a statement prohibiting prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b); a procedure for the use of time-out; a procedure for receiving and investigating complaints; and a procedure for conducting periodic review of data on the school’s use of restraint.* |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| CR 23 | Comparability of facilities  Where the district provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the district, including:   1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district; 2. Reserved. | | | |
|  | Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.33, 106.40(b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b) | | | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Observation and interviews indicate the classroom used for the provision of services to English learner (EL) students is not comparable to those offered other students in the charter school. The size of the room is not adequate when all three EL students in the school are scheduled to be in the classroom at the same time with one teacher.* |

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

| **CRITERION**  **NUMBER** | ENGLISH LEARNER EDUCATION **II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT** | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| ELE 3 | **Initial Identification of ELs FELs**   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, as appropriate for their grade. 2. Each school district shall establish procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may be ELs and assess their level of English proficiency upon their enrollment in the school district. 3. Each school district shall establish written procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who are Former English Learners (FELs) to be able to design and implement a process for routinely monitoring those students' academic progress for four years following their reclassification.   **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** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicates that the charter school has a two-tiered initial identification process in which a student might not be administered a language proficiency screening test should the ELE staff decide the student's dominant language is English. This determination is based on the information provided by the parents about health issues, interrupted schooling, grades, retention, IEP or other responses to interview questions targeted to identify the dominant language. The charter school’s current initial identification practices are not consistent with Department guidelines consistent with 603 CMR 14.02(1).* |

| **CRITERION**  **NUMBER** | ENGLISH LEARNER EDUCATION **VI. FACULTY, STAFF AND ADMINISTRATION** | | | |
| --- | --- | --- | --- | --- |
|  | **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 ELs holds an appropriate license or current waiver issued by the Massachusetts Department of Elementary and Secondary Education.  Core academic teachers who provide sheltered English instruction to English learners in school districts, including charter schools and education collaboratives, must earn an SEI Teacher Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00. Principals, assistant principals, and supervisors/directors who supervise or evaluate such teachers must earn an SEI Teacher Endorsement or SEI Administrator Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00.  Any core academic teacher who is assigned to provide sheltered English instruction to an EL shall either hold an SEI Teacher Endorsement, or is required to earn such an endorsement within one year from the date of the assignment. Any school district that assigns an EL to a core academic teacher who has a year to obtain an SEI endorsement, shall take all reasonable steps to ensure that such EL is assigned to core academic teachers with an SEI endorsement in subsequent school years.  No principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an EL unless such principal, assistant principal, or supervisor/director holds an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.  Except at Commonwealth charter schools, any director of ELE program(s) who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language (ESL), Transitional Bilingual Education (TBE) or an ELL license.  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 must have 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(ii); 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:** | **Partially Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Staff interviews and the relevant SEI endorsement data indicates that most core academic teachers assigned to provide sheltered English instruction to English learners hold the SEI Teacher Endorsement, but some do not.* |

| **CRITERION**  **NUMBER** | ENGLISH LEARNER EDUCATION **VI. FACULTY, STAFF AND ADMINISTRATION** | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| ELE 15 | **Professional Development Requirements**   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 effective 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, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs;  (C) effective 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, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate. **Authority: ESEA; EEOA; 603 CMR 14.07;** **G.L. c. 71, §§ 38G and 38Q; 603 CMR 44.06(1)(a).** | | | |
|  | **Rating:** | **Not Implemented** | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *Document review and staff interviews indicate that the charter school has not developed a professional development plan to provide educators with training in second language acquisition techniques in accordance with 603 CMR 44.06(1)(a) that requires educators to earn 15 Professional Development Points (PDPs) related to SEI or ESL for re-certification.* |

|  |
| --- |
| 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/>. |

|  |  |
| --- | --- |
| WBMS CPR Final Report 2018 | |
| File Name: | Berkshire Arts and Technology Charter Public School CPR Final Report 2018 |
| Last Revised on: | March 27, 2018 |
| Prepared by: | SH/MLP/SH |

32 73 four