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| DESE Logo  **Tiered Focused Monitoring Report**  **Continuous Improvement and Monitoring Plan**  **for Group A Universal Standards**  **District: North Berkshire School Union 43**  **Onsite Date: December 18, 2019**  **Tier Level: 2**  State Seal of Massachusetts |
| Jeffrey C. Riley  Commissioner of Elementary and Secondary Education |

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| During the 2018-2019 school year, North Berkshire School Union 43 participated in a Tiered Focused Monitoring Review conducted by the Department’s Office of Public School Monitoring. The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.  Districts are reviewed every three years through Tiered Focused Monitoring. This review process emphasizes elements most tied to student outcomes, and alternates the focus of each review on either Group A Universal Standards or Group B Universal Standards.  Group A Universal Standards address:   * Student identification * IEP development * Programming and support services * Equal opportunity   Group B Universal Standards address:   * Licensure and professional development * Parent/student/community engagement * Facilities and classroom observations * Oversight * Time and learning * Equal access   In addition, the Department has reserved a specific set of criteria, collectively known as  Targeted Standards, employed when LEA or school-level risk assessment data indicate that there is a potential issue. Identified Targeted Standards are assessed in addition to the Universal Standards.  Universal Standards and Targeted Standards are aligned with the following regulations:  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.   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.   Tiered Focused Monitoring allows for differentiated monitoring based on a district/charter school’s level of need, the Tiers are defined as follows:  LEAs in Tiers 1 and 2 have been determined to have no or low risk:   * Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements. * Tier 2/Directed Improvement: No demonstrated risk in areas with close link to student   outcomes – low risk.  LEAs in Tiers 3 and 4 have demonstrated greater risk:   * Tier 3/Corrective Action: Areas of concern include both compliance and student * outcomes – moderate risk. * Tier 4/Cross-unit Support and Corrective Action: Areas of concern have profound effect on student outcomes and ongoing compliance – high risk.   The phases of Tiered Focused Monitoring for North Berkshire School Union 43 included:  Self-Assessment Phase:   * District reviewed special education and civil rights documentation for required elements, including document uploads. * District reviewed a sample of special education student records selected across grade levels, disability categories and levels of need. * Upon completion of these two internal reviews, the district’s self-assessment was submitted to the Department for review.   On-site Verification Phase:   * Review of student records for special education: The Department selected 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 conducted this review, using standard Department procedures, to determine whether procedural and programmatic requirements are being met. * Review of additional documents for special education or civil rights. * Surveys of parents of students with disabilities: Parents of students with disabilities were sent a survey to solicit information regarding their experiences with the district’s implementation of special education programs, related services, and procedural requirements. * Interviews of staff consistent with those criteria selected for onsite verification. |

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| **Report: For Tier 1 & 2 Tiered Focused Monitoring Reviews**  Following the onsite visit, the onsite team holds an informal exit meeting to summarize its comments for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the onsite chairperson forwards to the superintendent or charter school leader the findings from the Tiered Focused Monitoring Review. All districts/charter schools in Tiers 1 and 2, as part of the reporting process, then develop a Continuous Improvement and Monitoring Plan (CIMP) for any criteria receiving a rating of "Partially Implemented," "Not Implemented," and “Implementation in Progress.” The CIMP outlines an action plan, identifies the success metric, describes the measurement mechanism and provides a completion timeframe to bring those areas into compliance with the controlling statute or regulation. Districts and charter schools are expected to incorporate the CIMP actions into their district and school improvement plans, including their professional development plans. |

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| **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. |
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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. |

**North Berkshire School Union 43**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Special Education** | **Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3, SE 3A, SE 6, SE 7, SE 8, SE 9A, SE 10, SE 11, SE 12,  SE 13, SE 14, SE 17,  SE 18A, SE 19, SE 20,  SE 22, SE 25, SE 26,  SE 29, SE 34, SE 37,  SE 38, SE 39, SE 40,  SE 41, SE 42, SE 43,  SE 48, SE 49 | CR 13, CR 14, CR18 |
| **PARTIALLY**  **IMPLEMENTED** | SE 9 |  |
| **NOT IMPLEMENTED** |  |  |

The review instruments, that include the regulatory requirements specific to the special education and civil rights criteria referenced in the above table, can be found at [www.doe.mass.edu/pqa/review/.](http://www.doe.mass.edu/pqa/review/.)

**SUMMARY OF INDICATOR DATA REVIEW**

As part of the self-assessment process for districts or charter schools undergoing a review for Group A Universal Standards, the onsite team reviewed the results of Indicator data submissions for Indicators 11, 12 and 13. For any Indicator data noncompliance found, the district or charter school must develop and implement corrective action that includes correcting noncompliance for the individual students affected by it, addressing the root cause and underlying reasons for the identified noncompliance, and reviewing additional records as evidence that the issues have been corrected and that requirements are being met.

The results of the Department’s analysis regarding these Indicators are as follows:

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|  | **Compliant** | **Non-Compliant** | **Not Applicable** |
| **Indicator 11 – Initial**  **Evaluation Timelines** |  |  |  |
| **Indicator 12 – Early**  **Childhood Transition** |  |  |  |
| **Indicator 13 –**  **Secondary Transition** |  |  |  |

| **Improvement Area 1** |
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| **Criterion:** SE 9 - Timeline for determination of eligibility |
| **Rating:** Partially Implemented |
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| **Description of Current Issue****:** Student record review indicated that the district does not consistently provide the parent a proposed IEP and proposed placement within forty-five school working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation. |
| **LEA Outcome:** Within 45 school working days of receiving parental consent for initial or  re-evaluations, the district will provide an evaluation, convene a Team meeting to review the evaluation data and recommendations, determine whether the student requires special education supports and services, and if required, develop an IEP. The district will provide the parents with two copies of the proposed IEP and placement. If the Team determines that the student is not eligible for special education, the school district shall send a written explanation of the finding that the student is not eligible. |
| **Action Plan:** As a result of the root cause analysis of contributing factors, the district proposes the following action plan:  The NBSU #43 Special Education (SpEd) administration office will assure that all relevant district employed parties are continuously informed of the expected timelines for required initial and re-evaluations, Team meetings and proposed IEPs, and to make proposed IEP notifications available to parents within 45 school working days from parental consent to evaluate.  The NBSU #43 office will consistently anticipate and schedule a Team meeting within 35 school working days from the receipt of written parental consent for evaluation, allowing for the possibility of an additional ten school working days to complete a proposed IEP or notification of ineligibility for special education within 45 school working days from parental consent to evaluate.  At the regularly scheduled administration monthly meetings with the Superintendent, the Director of Pupil Services will consistently review dates and timelines of referrals for initial and re-evaluations with the building principals of the four districts in the NBSU for compliance regarding 45-day timelines.  At the regularly scheduled Special Education Department monthly staff meetings, the Director of Pupil Services has begun and will continue to consistently review dates, updates and timelines for referrals for initial and re-evaluations with the school building special education teachers and related service providers regarding 45-day timeline compliance.  By April 30, 2019, the district will provide a copy of the updated internal procedures and internal training for complying with the 45-day timeline for completing initial and re-evaluations and providing parents with a proposed IEP and placement.  By April 30, 2019, the district will provide evidence of training of updated procedures to principals and staff.  By October 30, 2019, the district will conduct an internal record review, subsequent to training, of ten initial and re-evaluations completed. The district will provide an explanation of the root cause(s) for any continued non-compliance and a description of additional corrective actions taken by the district to address any identified non-compliance. |
| **Success Metric:** The four districts of the NBSU #43 will have consistently met 100% compliance with the 45-day timeline requirement to evaluate, convene a Team meeting, determine eligibility, and provide a proposed IEP to parents from the date of parental consent for evaluation. |
| **Measurement Mechanism:** The Director of Pupil Services and the Special Education Administrative Assistant will review retrievable data/dates regarding referrals for evaluations and timelines from the NBSU #43 eSped data on a weekly basis for compliance with required timelines between February 28 and October 31, 2019.  To ensure ongoing compliance, the Director of Pupil Services and the Special Education Administrative Assistant will do the following:  1) Review weekly list of students in referral, to include timelines and updates.  2) Conduct monthly special education staff meetings to reinforce the 45-day timeline specific to initial and re-evaluations. Agendas, meeting notes and sign-in sheets will be maintained. |
| **Completion Timeframe:** 10/30/2019 |
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