

**Bellingham Public Schools**

**Tiered Focused Monitoring Report**

**For** **Group B Universal Standards**

**Tier Level** **2**

**Dates of Onsite Visit:** **December 9 & 10, 2019**

**Date of Final Report:** **February 19, 2020**



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Commissioner of Elementary and Secondary Education

During the 2019-2020 school year, Bellingham Public Schools 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 and charter schools 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 Bellingham Public Schools included:

Self-Assessment Phase:

* District reviewed special education and civil rights documentation for required elements including document uploads.
* Upon completion of this internal review, the district’s self-assessment was submitted to the Department for review.

On-site Verification Phase:

* 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.
* Interview of parent advisory council (PAC) representative.
* Observations of classrooms and other facilities: The onsite team visited a sample of classrooms and school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

**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.

# **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. |
| **Not Applicable** | The requirement does not apply to the school district or charter school. |

**Bellingham Public Schools**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 15, SE 35, SE 36, SE 50, SE 51, SE 52, SE 52A, SE 54, SE 55, SE 56 | CR 3, CR 7,  CR 7A, CR 7B, CR 7C, CR 10B, CR 10C, CR 12A, CR 16, CR 17A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 |
| **PARTIALLY**  **IMPLEMENTED** | SE 32 | CR 10A |
| **NOT IMPLEMENTED** |  |  |

The Tiered Focused Monitoring Toolkit, which includes the regulatory requirements specific to the special education and civil rights criteria referenced in the table above, can be found at <http://www.doe.mass.edu/psm/resources/default.html>.

| **Improvement Area** **1** |
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| **Criterion:** SE 32 - Parent advisory council for special education |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff and parent interviews indicated that the parent advisory council for special education does not participate in the planning, development, and evaluation of the district's special education programs. |
| **LEA Outcome:** The District will be in full compliance with criterion SE 32. The Special Education Parent Advisory Council (SEPAC) will annually participate in the planning, development and evaluation of special education programs. |
| **Action Plan:** By June 1, 2020, the district will reach out to the SEPAC Officer(s) to plan the dates and develop the agendas for the 2020-2021 quarterly meetings.  By September 21, 2020, Bellingham staff will give a presentation describing one of the district's special education programs and the related services its students receive to the SEPAC. Upon conclusion of the presentation, a period of time will be provided for parent input, questions, and feedback on the planning, development, and evaluation of the program. The district will record the parental feedback.  By November 3, 2020, a summary of the parent feedback will be disseminated to SEPAC Officer(s), published on the district and SEPAC websites, and provided to families of students with disabilities via the district's electronic parent email system. The district will also convene a meeting of relevant staff members to review the results of the parent input summary and consider the parent feedback in program planning and decision-making. |
| **Success Metric:** The Special Education Parent Advisory Council will annually participate in the planning, development and evaluation of special education programs.  The following evidence will be uploaded to the DESE portal:  By September 21, 2020:  -SEPAC meeting schedule and agendas for the 2020-2021 school year  By September 21, 2020:  -SEPAC meeting agenda and attendance sign-in sheet  -Summary report of parent input and feedback sessions  By November 3, 2020:  -District staff meeting agenda and attendance sign-in sheet  -A description of any programmatic decisions made based on SEPAC participation |
| **Measurement Mechanism:** The Assistant Director of Special Education and/or the Assistant Superintendent of Student Services will provide annual oversight to ensure that the Special Education Parent Advisory Council is participating in the planning, development and evaluation of the district's special education programs. |
| **Completion Timeframe:** 11/03/2020 |
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| **Improvement Area 2** |
| **Criterion:** CR 10A - Student handbooks and codes of conduct |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that the Bellingham High School code of conduct in the student handbook does not contain the requirement to provide expelled students with an opportunity to make academic progress. Specifically, the code of conduct states that no school or school district shall be required to admit or provide educational services to students who are expelled. However, 603 CMR 53.13 requires that any student who is expelled or suspended from school for more than ten consecutive days shall have an opportunity to receive education services and to make academic progress through the school-wide education service plan.  Additionally, a review of documents indicated that the high school code of conduct does not consistently assure due process in disciplinary proceedings. Specifically, the handbook's vandalism policy states that students determined to have committed vandalism shall be suspended for a minimum of three school days; however, 603 CMR 53.08 requires providing the opportunity for a hearing so that the principal may determine if the student committed the disciplinary offense and, if so, the consequences for the infraction. The high school handbook also indicates that serious or repeated misconduct other than that outlined in M.G.L. c. 71, § 37H and § 37H 1/2 may result in an expulsion hearing before the school committee. However, infractions not covered under M.G.L. c. 71, § 37H and § 37H 1/2 fall under M.G.L. c. 71, § 37H 3/4 (and 603 CMR 53.00), which specifically requires the district to provide an opportunity for a hearing with the principal (or designee) and the right to appeal an expulsion or long-term suspension to the superintendent.  Finally, all district handbooks state that following a student's fourth bullying incident investigation, the student will be immediately suspended, but do not require first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing in accordance with 603 CMR 53.08. |
| **LEA Outcome:** All student handbooks and codes of conduct will include the requirement to provide expelled students with an opportunity to make academic progress and the requirement that any student who is expelled or suspended from school for more than ten consecutive days shall have an opportunity to receive education services and to make academic progress through the school-wide education service plan.  All handbook vandalism policies will include the requirement that the principal will provide the student and the parent/guardian with oral and written notice that suspension is a potential consequence; provide the student with an opportunity for a hearing on the charge; and the parent/guardian with an opportunity to participate in such hearing, prior to imposing a suspension.  All handbook bullying incident policies will include the requirement that, following a student's fourth bullying incident investigation, the principal will provide the student and the parent/guardian with oral and written notice; provide the student with an opportunity for a hearing on the charge; and the parent/guardian with an opportunity to participate in such hearing, prior to imposing a suspension.  The high school handbook Expulsion/Long Term Suspension policy will include the opportunity for a hearing with the principal (or designee) and the right to appeal an expulsion or long-term suspension to the superintendent.  The high school handbook will no longer indicate that serious or repeated misconduct other than that outlined in M.G.L. c. 71, § 37H and § 37H 1/2 may result in an expulsion hearing before the school committee. |
| **Action Plan:** By June 1, 2020, the principals will provide a draft revision of the student handbooks to the superintendent for review. All revisions will include the information cited in the above LEA Outcome section.  By September 21, 2020, the revised handbooks will be presented to the school committee for approval. The revised student handbooks will be provided to students and parents and will be posted on district and school websites. Translations of the handbooks will also be available to district students and parents. |
| **Success Metric:** The revised student handbooks will be posted on the district websites and disseminated to students and parents.  The following evidence will be uploaded to the DESE portal:  By June 1, 2020:  -Draft revision of student handbook procedures  By September 21, 2020:  -Minutes from school committee meeting giving approval to handbook revisions  -Link(s) to the final version of revised student handbooks posted on district websites |
| **Measurement Mechanism:** All student handbooks, codes of conduct, suspension/expulsion procedures will be reviewed annually for policy, procedural, and language updates. |
| **Completion Timeframe:** 09/21/2020 |
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