

**Up Academy Charter School of Dorchester**

**TIERED FOCUSED MONITORING**

**REPORT**

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

**Tier Level** **3**

**Date of Onsite Visit:** **November 14, 2019**

**Date of Draft Report:** **November 27, 2019**

**Date of Final Report: December 18, 2019**

**Action Plan Due: January 27, 2020**

**Department of Elementary and Secondary Education Onsite Team Members:**

**Erin VandeVeer, Office of Public School Monitoring (PSM), Chairperson**

**Andrew MacKenzie, PSM**



 Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**UP Academy Charter School of Dorchester**

[SCOPE OF TIERED FOCUSED MONITORING REVIEWS 3](#_Toc256000000)

[TIERED FOCUSED MONITORING ELEMENTS 4](#_Toc256000001)

[REPORT INTRODUCTION 7](#_Toc256000002)

[DEFINITION OF COMPLIANCE RATINGS 8](#_Toc256000003)

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

[SPECIAL EDUCATION 11](#_Toc256000005)

[CIVIL RIGHTS AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS 14](#_Toc256000006)

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**UP Academy Charter School of Dorchester**

**SCOPE OF TIERED FOCUSED MONITORING REVIEWS**

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through Tiered Focused Monitoring (TFM). 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.

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 ELEMENTS**

**Team:** Depending upon the size of a school district or charter school and the number of programs to be reviewed, a team of one to eight Department staff members conducts onsite activities over one 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 Tiered Focused Monitoring Review every three years. The statewide Tiered Focused Monitoring cycle is posted at <<<http://www.doe.mass.edu/psm/tfm/6yrcycle.html>>>.

**Tier Level:** Each district/charter school is assigned to one of four tier levels: Tier 1/Self-Directed Improvement; Tier 2/Directed Improvement; Tier 3/Corrective Action; and Tier 4/Cross-unit Support and Corrective Action. The Tiered Focused Monitoring process and subsequent technical assistance varies by monitoring tier. Each district/school is assigned to a monitoring tier based on the district/school’s designated DESE Accountability Level along with risk factors, such as Problem Resolution System complaint data and Public School Monitoring report data. Districts/schools in Tiers 1 and 2 have been determined to have no or low risk. Districts/schools in Tiers 3 and 4 have demonstrated greater risk. Agency intervention, additional onsite monitoring, and provision of technical assistance varies based on district/school tier level, allowing the Department to direct resources to those districts requiring the most support.

1. Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements.
2. Tier 2/Directed Improvement: No demonstrated risk in areas with close link to student outcomes – low risk.
3. Tier 3/Corrective Action: Areas of concern include both compliance and student outcomes – moderate risk.
4. Tier 4/Cross-unit Support and Corrective Action: Areas of concern have a profound effect on student outcomes and ongoing compliance – high risk.

**Process:** Each school district and charter school undergoes a Tiered Focused Monitoring Review every three years. Regularly monitored standards are divided into two groups, known as Group A Universal Standards and Group B Universal Standards. Districts and charter schools are monitored on an alternate set of Universal Standards every three years. The Department has also reserved a specific set of criteria, collectively known as Targeted Standards, employed if LEA or school level risk assessment data indicate there is a potential issue; the identified Targeted Standards are assessed in addition to the Universal Standards.

**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.
* Depending on which Universal Standard group the district/school is participating in and if there are additional Targeted Standards, the district may review a sample of special education student records selected across grade levels, disability categories and level of need.
* If the district/school is participating in a Group A Universal Standards Tiered Focused Monitoring Review, it will submit a review of student records related to the Indicator Data Collection for Indicators 11, 12 and 13 as part of the self-assessment. This Indicator data collection is also part of the State Performance Plan/Annual Performance Report.
* Upon completion of the self-assessment, the district/school submits the data to the Department for review.

**On-site Verification Phase (dependent upon Group A or Group B Universal Standards)**:

* 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 met.
* 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 implementation of special education programs, related services, and procedural requirements.
* Observations of classrooms and other facilities: The onsite team may visit 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.

**Report:** **For Tier 3 & 4 Tiered Focused Monitoring Reviews**

At the end of the onsite visit, the onsite team holds 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 forwards to the superintendent or charter school leader a Draft Report containing comments from the Tiered Focused Monitoring 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). Within 10 business days of receipt of the Draft Report, the district/charter school reviews and comments on the report for factual accuracy before the publication of a Final Report with ratings and findings (see below). The Tiered Focused Monitoring 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/psm/tfm/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.”

*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.

*Indicator Data.* In the Final Report for a district or charter school undergoing a review for Group A Universal Standards, the onsite team includes the results of the review 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 Office of Special Education Programs (OSEP) requires correction of noncompliance within one year of the finding.

**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 Tiered Focused Monitoring Report.**

# **INTRODUCTION TO THE FINAL REPORT**

#

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review of UP Academy Charter School of Dorchester during the week of November 11, 2019 to evaluate the implementation of Group B Universal Standards in the program areas of special education, civil rights and other related general education requirements. 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 Tiered Focused Monitoring 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
* Persons from the general public

Surveys:

* Parents of students with disabilities

Review of special education student records

Observations of classrooms and other facilities

The report includes findings in the program areas reviewed based on the assigned Universal Standard group for this review. These standards are:

**Group B Universal Standards:**

* Licensure and professional development
* Parent/student/community engagement
* Facilities and classroom observations
* Oversight
* Time and learning
* Equal Access

|  |
| --- |
| The Tiered Focused Monitoring 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," and “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) The Tiered Focused Monitoring Reports do not include criteria receiving a rating of “Implemented” or “Not Applicable.” This will allow the district/school and the Department to focus their efforts on those areas requiring corrective action. Districts are expected to incorporate the corrective actions into their district and 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; 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. |
|  |
| **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. |

**UP Academy Charter School of Dorchester**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Universal Standards****Special Education** | **Universal Standards** **Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 15, SE 32, SE 36, SE 50, SE 52, SE 52A, SE 54, SE 55, SE 56 | CR 3, CR 7, CR 7A, CR 7B, CR 10A, CR 12A, CR 22, CR 23 | SE 45, SE 47 |
| **PARTIALLY****IMPLEMENTED** | SE 51 | CR 10B, CR 10C, CR 17A, CR 20, CR 21, CR 24, CR 25 | SE 44, SE 46 |
| **NOT IMPLEMENTED** |  |  |  |
| **NOT APPLICABLE** |  | CR 7C, CR 16 |  |

|  |  |
| --- | --- |
|

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

 |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 44** | Procedure for recording suspensionsThe district has a procedure to record the number and duration of suspensions from any part of the student's program, including suspensions from special transportation prescribed by the IEP. |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.530IDEA 2004 Final Regulations, Analysis of Comments and Changes, Federal Register 71 (14 August 2006): 46715 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:**  |
| *A review of student records, documents and staff interviews indicated that although the charter school has a system to record the number and duration of suspensions from any part of the student's program, student suspensions are not accurately reported and recorded, including in-school and out-of-school suspensions and emergency removals.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 46** | Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP-“a manifestation determination.”
3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
	1. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
	2. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
	1. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
	2. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.

Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.1. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.
2. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.
 |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.530-537 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records, documents and staff interviews indicated that Teams do not consistently document the manifestation determination process, including the IEP and assessment data under consideration, when an observation was conducted, the date and discipline report for the incident, or the number of days the student had been suspended during the school year prior to the incident.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **SE 51** | Appropriate special education teacher licensureExcept at Commonwealth charter schools, individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.**Commonwealth Charter Schools – Special Education Teacher Qualifications**To come into compliance with IDEA, Commonwealth charter schools must use “qualified” teachers to provide specialized instruction or have a “qualified” teacher consult with or provide direct supervision for someone who is not qualified but is delivering specialized instruction.  This is an IDEA requirement. “Qualified” teachers must hold a valid license in special education or have successfully completed an undergraduate or graduate degree in an approved special education program. |
|  | State Requirements | Federal Requirements |
|  | M.G.L. c. 71, s. 38G; s. 89(qq);603 CMR 1.07; 7.00; 28.02(3) | 34 CFR 300.156IDEA § 34 CFR 300.156(a) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:**  |
| *A review of teacher licensure indicated that one (1) individual who designs and provides direct special education services described in IEPs is not appropriately licensed or waivered.* |

|  |  |
| --- | --- |
|

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

 |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| CR 10B | Bullying Intervention and Prevention1. Public schools (including charter schools and collaboratives) must update school handbooks to conform to their updated amended Bullying Prevention and Intervention Plan (Plan). The school handbook (and local updated Plan) must be consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. The amendments extend protections to students who are bullied by a member of the school staff. As defined in G.L. c. 71, 37O, as amended, a member of the school staff includes, but is not limited to, an “educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.” The school handbook must make clear that a member of the school staff may be named the “aggressor” or “perpetrator” in a bullying report.
2. School and district employee handbooks must also contain relevant sections of the amended Plan relating to the duties of faculty and staff and relevant sections addressing the bullying of students by a school staff member.
3. Each year all school districts and schools must give parents and guardians annual written notice of the student-related sections of the local Plan.
4. Each year all school districts and schools must provide all staff with annual written notice of the Plan.
5. Faculty and staff at each school shall be trained annually on the plan applicable to the school.
6. All schools and school districts must implement, for all school staff, ongoing professional development that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying.
 |
|  | M.G.L. c. 71, s. 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L. c. 71, s. 37O(e)(1) & (2). M.G.L. c. 71, s. 370(d), as amended. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that although the charter school's family and staff handbooks contain the updated amended Bullying Prevention and Intervention Plan, school faculty and staff are not trained annually on the plan.* |

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

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records, documents and staff interviews indicated that although the charter school's written procedures for emergency removals conform to regulations, these procedures are not consistently followed; specifically, the required written notice is not provided to the student and parent within two (2) days following the removal.* *A review of student records, documents and staff interviews also indicated that the charter school's systems for collecting data regarding in-school suspensions, short- and long-term suspensions, expulsions, and emergency removals are not aligned to ensure accurate student suspension reports. Specifically, this prevents an accurate review of student data, including the extent of in-school suspensions, short- and long-term suspensions, expulsions, and emergency removals; the impact of such disciplinary action on selected student populations; whether to modify disciplinary practices based on the data review; or the impact of such suspensions, removals, and expulsions on selected student populations compared with other students.**A review of documents and staff interviews indicated that for students whose suspensions exceed ten days, the School-Wide Education Service Plan that allows students to continue to make academic progress consists of one option, rather than a list of the specific education services that are available to the students as required.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **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 603 CMR 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:** |
| *A review of documents indicated that the charter school has developed written restraint prevention and behavior support policy and procedures consistent with regulations 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. However, documents and staff interviews demonstrated that the charter school does not provide all program staff with training regarding the program's restraint prevention and behavior support policy within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.**A review of documents and staff interviews indicated that the principal does not conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week or a monthly review of school-wide restraint data for restraint patterns in order to determine whether to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, or take such other action to reduce or eliminate restraints.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **CR 20** | Staff training on confidentiality of student recordsThe district trains school personnel on the provisions of the Family Educational Rights and Privacy Act, M.G.L. c. 71, s. 34H, and 603 CMR 23.00 and on the importance of information privacy and confidentiality. |
|  | FERPA: 20 U.S.C. § 1232g; 34 CFR Part 99; M.G.L. c. 71, § 34H; 603 CMR 23.00, esp. 23.05(3) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the charter school does not train staff on the provisions of the Family Educational Rights and Privacy Act and on the importance of information privacy and confidentiality.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| **CR 21** | Staff training regarding civil rights responsibilitiesThe district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, gender identity, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting. |
|  | Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, § 5; 603 CMR 26.00, esp. 26.07(2), (3) as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the charter school does not provide training annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students' race, color, sex, gender identity, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.* |

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

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that individual teachers do not review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation.* |

| **CRITERION****NUMBER** |       |
| --- | --- |
|  | **Legal Standard** |
| CR 25 | Institutional self-evaluationThe district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. It makes such changes as are indicated by the evaluation. |
|  | Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.07(1),(4) as amended by Chapter 199 of the Acts of 2011 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

|  |
| --- |
| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents indicated that the charter school does not evaluate all aspects of its K-8 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities.* |

|  |
| --- |
| This Tiered Focused Monitoring Final Report is also available at:<http://www.doe.mass.edu/psm/tfm/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 Final Report 2019 |
| File Name: | UP Academy Charter School of Dorchester TFM Final Report 2019 |
| Last Revised on:  | 12/18/19 |
| Prepared by: | EVV/JLE |