

**Lowell Public Schools**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

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

**Tier Level** **2**

**Dates of Onsite Visit:** **May 17-19, 2021**

**Date of Final Report:** **07/28/2021**



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Commissioner of Elementary and Secondary Education

During the 2020-2021 school year, Lowell 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 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 the district 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 and 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.
* An interview of a special education parent advisory council (SEPAC) 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 leader the findings from the Tiered Focused Monitoring Review. All districts 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. |
| **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 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. |

Lowell Public Schools

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 15, SE 32, 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 8, CR 10A, CR 10B, CR 12A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 | SE 44, SE 45, SE 47 |
| **PARTIALLY**  **IMPLEMENTED** |  | CR 10C, CR 16, CR 17A | SE 46 |
| **NOT**  **IMPLEMENTED** |  |  |  |
| **NOT**  **APPLICABLE** |  |  |  |

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

| **Improvement Area** **1** |
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| **Criterion:** 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 district |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review indicated that the district's procedures for the suspension of students with disabilities do not make clear that the district may place the student in an interim alternative educational setting, regardless of the manifestation determination, 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 himself/herself or others. Additionally, the procedures do not indicate that the district must determine whether a student's behavior was the direct result of the district's failure to implement the IEP. |
| **LEA Outcome:** The district's procedures for the suspension of students with disabilities will clearly indicate that the district may place the student in an interim alternative educational setting, regardless of the manifestation determination, 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 himself/herself or others. Additionally, the procedures will indicate that the district must determine whether a student's behavior was the direct result of the district's failure to implement the IEP. |
| **Action Plan:** By August 27, 2021, the district will revise suspension procedures for students with disabilities so that they are consistent with 34 CFR 300.530-537 (IDEA). Evidence will include the revised procedures and relevant sections of updated student handbooks.  By September 27, 2021, the district will train administrators and special education staff on the revised procedures. Evidence will include training materials, agenda, and signed attendance sheets.  By September 27, 2021, the district will disseminate updated handbooks containing the revised procedures to the school community. Evidence will include the notification and links to the updated handbooks. |
| **Success Metric:** By the start of the 2021-2022 school year and beyond, Lowell Public Schools will have procedures for the suspension of students with disabilities that comply with 34 CFR 300.530-537 (IDEA).  Evidence:   * Revised procedures for the suspension of students with disabilities * Relevant sections of student handbooks * Training materials, agendas, and signed attendance sheets * Documentation of dissemination * Links to updated handbooks |
| **Measurement Mechanism:** Before the start of each new school year, the Special Education Director will review the district's procedures for the suspension of students with disabilities and corresponding sections of handbooks to ensure compliance with 34 CFR 300.530-537 (IDEA). Ongoing staff training will be provided as necessary. |
| **Completion Timeframe:** 09/27/2021 |
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| **Improvement Area 2** |
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| **Criterion:** CR 10C - Student Discipline |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review indicated that the district's discipline procedures do not make clear that the superintendent's written determination must include the same requirements as the principal's written determination for a long-term suspension. These requirements include the following: 1) the disciplinary offense, date, and participants present at the hearing; 2) key facts and conclusions; 3) length and effective date of suspension and return to school; and 4) notice of the student's opportunity to receive educational services during removal. |
| **LEA Outcome:** The district's discipline procedures will indicate that the superintendent's written determination must include the same requirements as the principal's written determination for a long-term suspension. These requirements include the following: 1) the disciplinary offense, date, and participants present at the hearing; 2) key facts and conclusions; 3) length and effective date of suspension and return to school; and 4) notice of the student's opportunity to receive educational services during removal. |
| **Action Plan:** By August 27, 2021, the district will revise discipline procedures to make clear that the superintendent's written determination must include the same requirements as the principal's written determination for a long-term suspension. Evidence will include revised procedures, relevant sections of updated student handbooks, and the superintendent's written determination template.  By September 27, 2021, the district will train administrators, school building leaders, and school staff on the updated procedures. Evidence will include training materials, agenda, and signed attendance sheets.  By September 27, 2021, the district will disseminate the updated handbooks containing the revised discipline procedures to the school community. Evidence will include the notification and links to the updated handbooks. |
| **Success Metric:** By the beginning of the 2021-2022 school year and beyond, Lowell Public Schools will have discipline procedures that meet, at a minimum, the requirements of M.G.L.c. 71, section 37H3/4, M.G.L.c. 76, section 21, and 603 CMR 53.00.  Evidence:   * Revised discipline procedures * Relevant sections of student handbooks * Superintendent's written determination template * Training materials, agendas, and signed attendance sheets * Documentation of dissemination * Links to updated website |
| **Measurement Mechanism:** Before the start of each school year, the Chief Schools Officer and Chief Equity Officer, along with district counsel, will review discipline procedures and handbooks to ensure compliance with M.G.L.c. 71, section 37H3/4, M.G.L.c. 76, section 21, and 603 CMR 53.00. Ongoing staff training will be provided as necessary. |
| **Completion Timeframe:** 09/27/2021 |
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| **Improvement Area 3** |
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| **Criterion:** CR 16 - Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that notices are not always sent to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion within five days of their tenth absence. Document review and interviews also indicated that the district does not send written notice annually, for at least two years, to former students who have not yet earned their competency determination and who have not transferred to another school. |
| **LEA Outcome:** The district will ensure notices are sent to all students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion within five days of their tenth absence. In addition, the district will send an annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school to inform them of the availability of publicly funded post-high school academic support programs and encourage them to participate in those programs. At a minimum, this notice will be sent to each such student who attended high school in the district within the past two years. |
| **Action Plan:** By August 27, 2021, the district will develop procedures and an internal monitoring process to ensure compliance with the provision of notices to appropriate current and former students. The district will develop an annual written notice to send to former students who have not yet earned their competency determination and who have not transferred to another school. Evidence will include a copy of the procedures, a description of the internal monitoring process, and a copy of the annual written notice.  By September 27, 2021, the district will train leadership and applicable staff on the updated notices and procedures. Evidence will include training materials, agenda, and signed attendance sheets.  By December 14, 2021, the district will conduct an administrative review of student records to ensure that notices were sent as required and included all necessary information. For any non-compliance identified, the district will determine the root cause(s) and implement necessary corrective actions. |
| **Success Metric:** By the beginning of the 2021-2022 school year and beyond, Lowell Public Schools will always provide written notice to all students 16 or over within five days from the student's tenth consecutive absence. The district will also send an annual written notice, for at least two years, to former students who have not yet earned their competency determination and who have not transferred to another school.  Evidence:   * Procedures * Internal monitoring system * Annual written notice * Training materials, agendas, and signed attendance sheets * Results of an annual administrative record review * Root cause analysis and corrective action taken for any non-compliance found |
| **Measurement Mechanism:** By the end of each school year, the Head of Lowell High School and the district's Chief Schools Officer will conduct an annual review of all notices to ensure that the contents are compliant with regulations and that information related to availability of publicly funded post-high school academic support is current and accurate. The Head of Lowell High School and the district's Chief Schools Officer will also conduct quarterly reviews of student records to ensure that notices are sent to students 16 or over within five days of their tenth absence. The review will also ensure that the appropriate notice is sent annually to former students. For any non-compliance identified, district leadership will determine the root cause(s) and implement necessary corrective actions. |
| **Completion Timeframe:** 12/14/2021 |
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| **Improvement Area 4** |
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| **Criterion:** CR 17A - Use of physical restraint on any student enrolled in a publicly-funded education program |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review indicated that the district's written restraint prevention and behavior support procedures are not consistent with regulations 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. Specifically, the district's procedures include erroneous exceptions for mechanical and medication restraints and incorrectly allow for a written behavior plan or individualized education program (IEP) to include the use of physical restraint as a standard response to individual student behavior. |
| **LEA Outcome:** The district will revise its written restraint prevention and behavior support procedures so that they no longer contain erroneous information and are consistent with regulations 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. |
| **Action Plan:** By August 27, 2021, the district will submit revised restraint prevention and behavior support procedures consistent with regulations 603 CMR 46.00.  By September 27, 2021, the district will train all staff on the revised restraint prevention and behavior support procedures. Evidence will include training materials, agenda, and signed attendance sheets.  By September 27, 2021, district leadership will disseminate the revised restraint prevention and behavior support procedures to the school community. Evidence will include a copy of notification and links to the procedures on district and school websites. |
| **Success Metric:** By the start of the 2021-2022 school year and beyond, Lowell Public Schools will have restraint prevention and behavior support procedures consistent with regulations 603 CMR 46.00.  Evidence:   * Revised restraint prevention and behavior support procedures * Training materials, agendas, and signed attendance sheets * Documentation of dissemination * Links to updated websites |
| **Measurement Mechanism:** Before the start of each school year, the Director of Special Education, district counsel, and building principals will review the restraint prevention and behavior support policy and procedures to ensure compliance, as well as review the means of dissemination to the school community. The district will provide and track staff training to ensure all staff are trained within the first month of the school year and, for employees hired after the start of the school year, within one month of hire. |
| **Completion Timeframe:** 09/27/2021 |
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