

**Berkshire Arts and Technology Charter Public School**

**Tiered Focused Monitoring Report**

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

**Tier Level** **1**

**Date of TFM Review:** **January 5, 2021**

**Date of Final Report:** **March 23, 2021**



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Commissioner of Elementary and Secondary Education

During the 2020-2021 school year, Berkshire Arts and Technology Charter Public School 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.

School 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 Berkshire Arts and Technology Charter Public School included:

Self-Assessment Phase:

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

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.
* Interviews of parent advisory council (PAC) representatives and other telephone interviews, as requested by other parents or members of the general public.
* Review of classrooms and other facilities: The chairperson reviewed floor plans and interviewed staff to confirm the location 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 TFM review, the review team holds an informal exit meeting to summarize its comments for the superintendent or charter school leader. Within approximately 20 business days of the TFM review, the 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. |

**Berkshire Arts and Technology Charter Public School**

**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 8, CR 10A, CR 10B,  CR 10C, CR 12A,  CR 16, CR 17A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 |
| **PARTIALLY IMPLEMENTED** |  |  |
| **NOT IMPLEMENTED** | SE 32 |  |

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** |
| --- |
| **Criterion:** SE 32 - Parent advisory council for special education |
| **Rating:** Not Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that the charter school has not established a parent advisory council on special education or sought a waiver from the Department to meet this requirement in an alternative manner. |
| **LEA Outcome:** Berkshire Arts and Technology Public Charter School (BART) has had difficulty with parent interest and as a result, the school has not been able to elect officers and establish a parent advisory council on special education (SEPAC). BART was not able to get consistent attendance at meetings and to get participants to take on leadership roles.  BART has been holding monthly SEPAC meetings, which have been advertised in the weekly BART newsletter and on the Facebook site. However, no one has attended. The school will continue to publicize the meetings and will make efforts to arouse interest in the group.  BART will hold SEPAC meetings for the remainder of the school year, including the first one which will review the rights of students and their parents and guardians under state and federal special education laws.  If BART is unable to establish a SEPAC with leadership, the school will submit a waiver request to the Problem Resolution Office. |
| **Action Plan:** On 4/1/21, BART will hold the annual workshop regarding parental rights. In order to gain more interest, the school will discuss the SEPAC at all IEP meetings and give each family a letter describing the SEPAC, including the meeting dates.  At the 5/6/21 SEPAC meeting, BART will attempt to establish officers.  By 6/4/21, if BART has not been successful in establishing a SEPAC, the school will submit a waiver request to the Problem Resolution Office.  BART will refer to Administrative Advisory Parent Councils, Acceptable Alternatives, and Use of Social Media: 2015-2R https://www.doe.mass.edu/sped/advisories/2015-2r.html and https://www.doe.mass.edu/prs/sa-nr/default.html that outlines the requirements and forms for completing the waiver process. |
| **Success Metric:** To demonstrate success and the establishment of a SEPAC, the following documents will be provided as evidence:  - PowerPoint presentation of the annual rights workshop  - Agenda and meeting minutes from each meeting, including how the established SEPAC advised BART on matters that pertain to the education and safety of students with disabilities and including regular meetings with school officials to participate in the planning, development, and evaluation of the charter school's special education programs  - Sign-in sheet of all parent participants  - Copies of correspondence sent to families to advertise each meeting  - A list of officers for the established SEPAC |
| **Measurement Mechanism:** BART will hold the annual workshop at the beginning of each school year on the rights of students and their parents and guardians under the state and federal special education laws.  BART will solicit parent and guardian advice on matters that pertain to the education and safety of students with disabilities, including regular meetings with school officials to participate in the planning, development, and evaluation of the charter school's special education programs.  If BART must submit a waiver application and it is approved, the school will review its membership annually and ensure it is meeting the requirements of the waiver. |
| **Completion Timeframe:** 07/24/2021 |
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