

**Benjamin Banneker Charter Public School**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

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

**Tier Level** **1**

**Date of Onsite Visit:** **December 7, 2021**

**Date of Final Report: May 31, 2022**



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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Benjamin Banneker Charter Public School**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

# **TIERED FOCUS MONITORING REPORT INTRODUCTION**

During the 2021-2022 school year, Benjamin Banneker Charter Public School participated in a Tiered Focused Monitoring Review (TFM) conducted by the Department’s Office of Public School Monitoring (PSM). The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

Each school district, charter school, vocational school, and virtual school undergoes a Tiered Focused Monitoring Review every three years. The statewide Tiered Focused Monitoring cycle is posted at <<https://www.doe.mass.edu/psm/tfm/6yrcycle.html>>.

Regularly monitored standards are divided into two groups, known as Group A Universal Standards and Group B Universal Standards. Districts and schools are monitored on an alternate set of Universal Standards every three years.

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

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.

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 the Every Student Succeeds Act (ESSA); 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.

**PSM Team:**

Depending upon the size of a school district and the number of special education programs to be reviewed, a team of one to four Department staff members conducts onsite activities over one to five days in a school district or charter school.

**Tier Level:**

The level of monitoring varies based on tier designation, aligning supports to the level of need and ensuring that districts and schools with greater needs receive appropriate supports to make sustained improvements.

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| Tier | Title | Description | Level of Risk |
| 1 | Self-Directed Improvement | Data points indicate no concern on compliance and student outcomes. | Meets requirements |
| 2 | Directed Improvement | No demonstrated risk in areas with close link to student outcomes. | Low |
| 3 | Corrective Action | Areas of concern include both compliance and student outcomes. | Moderate |
| 4 | Cross-unit Support and Corrective Action | Areas of concern have a profound effect on student outcomes and ongoing compliance. | High |

For the 2021-2022 school year, the tier assignments are based on:

* Five-year cohort graduation rate for students with disabilities
* Public School Monitoring compliance data from the previous review
* Problem Resolution System data, specifically findings of noncompliance
* Special education State Performance Plan/Annual Performance Reports (SPP/APR) compliance Indicator data for Indicators 11, 12, and 13 (Group A only)
* Indicator 11: Child Find
* Indicator 12: Early Childhood Transition
* Indicator 13: Secondary Transition
* Special education SPP/APR performance Indicator data for Indicators 5 & 6
* Indicator 5: Education Environments (6-21)
* Indicator 6: Preschool Environments
* Significant Disproportionality data 2019-2020 & 2020-2021

Tiering adjustments may be made for districts engaged in work with the Department’s Statewide System of Support and have schools identified as requiring assistance and intervention. Tiering assignments may also be adjusted for schools and districts unable to remedy noncompliance within one year of the previous TFM review, as well as for charter schools requiring additional oversight based on conditions of their charter.

**Report: For Tier 1 & 2 Tiered Focused Monitoring Reviews**

Following the onsite visit, the PSM team holds an informal exit meeting to summarize the review for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the chairperson forwards the TFM Feedback Summary that includes findings from the Tiered Focused Monitoring Review to the superintendent or charter school leader.

As part of the reporting process, all districts/charter schools in Tiers 1 and 2, 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 is due to the Department within 20 business days after the issuance of the Feedback Summary and is subject to the Department’s review and approval.

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. Department staff provide support and assistance to districts and charter schools on the development of a CIMP.

Once the CIMP is approved, it is issued as the Final Report.

Department staff also provide ongoing technical assistance as the school or district is implementing the approved CIMP or CAP. **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 Feedback Summary.**

For more information regarding the TFM Review Process, including district and parent resources, please visit < <https://www.doe.mass.edu/psm/tfm/default.html>>.

# **TIERED FOCUSED MONITORING FINAL REPORT**

Benjamin Banneker Charter Public School

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review at Benjamin Banneker Charter Public School during the week of December 6, 2021, 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 school.

In preparing this report, the team reviewed extensive written documentation regarding the operation of the school's programs, together with information gathered by means of the following Department program review methods:

**Self-Assessment Phase:**

* School review of special education and civil rights documentation for required elements including document uploads.
* Upon completion of the self-assessment, the school submitted the data to the Department for review.

**On-site Verification Phase:**

* Interviews of administrative, instructional, and support staff consistent with those criteria selected for onsite verification.
* Review of additional documents for special education and civil rights.
* Surveys of parents of students in special education: Parents of students in special education were sent a survey that solicited information regarding their experiences with the school’s implementation of special education programs, related services, and procedural requirements.
* Observations of classrooms and other facilities: The onsite team visited 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.

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| 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. |
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# **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; 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. |

**Benjamin Banneker 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 32, SE 35, SE 36, SE 50, SE 51, SE 52, SE 54, SE 55 | CR 3, CR 7, CR 7A, CR 7B, CR 8, CR 10A, CR 10B, CR 12A, CR 21, CR 22, CR 23, CR 24, CR 25 |
| **PARTIALLY**  **IMPLEMENTED** | SE 56 | CR 10C, CR 17A, CR 20 |
| **NOT**  **IMPLEMENTED** | None |  |
| **NOT**  **APPLICABLE** | SE 52A | CR 7C, CR 16 |

The full list of criteria and information regarding the requirements can be found in Appendix B of the Tiered Focused Monitoring Toolkit available at < <https://www.doe.mass.edu/psm/resources/tfm-toolkit.docx>>.

| **CONTINUOUS IMPROVEMENT AND MONITORING PLAN** |
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| **Improvement Area** **1** |
| **Criterion:** SE 56 - Special education programs and services are evaluated |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and administrative interviews indicated that although the charter school routinely examines individual students' special education outcomes, the school does not regularly evaluate its special education programs and services. |
| **LEA Outcome:** Benjamin Banneker Charter Public School (BBCPS) will ensure that its special education programming and services are routinely evaluated. The results, along with action steps to address challenges and strengthen special education programming and services, will be documented and shared with the charter's Board of Trustees and all stakeholders. |
| **Action Plan:** By August 12, 2022, the charter school will develop a comprehensive plan for evaluating special education programming and services. The plan will include a timeline and methodology for data collection and analysis; documentation and sharing of the findings; and ensure that the evaluation occurs annually.  By October 14, 2022, the charter school will collect and analyze observational data, student performance data, and data from a school-wide survey regarding special education programming and services completed in the spring of 2022. The charter school will summarize the results and document any identified areas for program improvement.  By December 9, 2022, the charter school will compile a program evaluation report that includes specific recommendations for program improvement and plans for ongoing program evaluation. The charter school will also provide evidence of dissemination to stakeholders. |
| **Success Metric:** By December 2022 and beyond, the charter school will regularly complete an evaluation of its special education programming and services. Findings and plans for program improvement will be shared with the school's Board of Trustees and all stakeholders.  Evidence:   * Plan for special education programming and services evaluation * Evidence of data collection and analysis * Program evaluation report that includes areas identified for improvement * Detailed checklist and tracker of action steps * Meeting agendas/notes and other communications demonstrating the dissemination of the report |
| **Measurement Mechanism:** Continuing after the completion deadline, the charter school's special education leadership will annually collect and analyze data and generate a program evaluation report. The evaluation report will be shared with the charter school's Board of Trustees and all other stakeholders. |
| **Completion Timeframe:** 12/09/2022 |
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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:** A review of documents and administrative interviews indicated that the charter school's discipline procedures do not address all the required components. Specifically, for students who are expelled or on long-term suspension, the school has not developed a School-wide Education Services Plan to support academic progress. Additionally, the charter school has not developed the required notices for hearings, emergency removal, and short-term and long-term suspension.  While the charter school does have a notice for in-school suspension, the notice includes a requirement that the parent must attend a re-entry meeting with school administration before allowing the student to return to class, demonstrating practices inconsistent with regulations. |
| **LEA Outcome:** Benjamin Banneker Charter Public School (BBCPS) will ensure the charter's discipline procedures address all the required components of the regulations. Specifically, disciplinary procedures will include the following:   * The provision of education services to support academic progress for students who are expelled or on long-term suspension (School-wide Education Service Plan); and * Required notices for hearings, emergency removal, in-school suspension, short-term suspension, and long-term suspension that are consistent the regulations. |
| **Action Plan:** By August 12, 2022, the charter school will submit the School-wide Education Service Plan and required notices.  By October 14, 2022, the charter school will conduct training for all staff on the revised discipline procedures and maintain documentation of the training, including signed attendance sheets. |
| **Success Metric:** By the start of the 2022-2023 school year, the charter school's disciplinary procedures, practices, and notices will be consistent with the regulations. Additionally, the charter school will have School-wide Education Service Plan in place and student handbooks updated with the revised discipline procedures.  Evidence:   * School-wide Education Service Plan * Required notices for hearings, emergency removal, in-school suspension, and short-term and long-term suspension * Links to the posted 2022-2023 student handbooks with updated procedures * Agenda, signed attendance sheets, and training materials |
| **Measurement Mechanism:** Continuing after the completion deadline, the charter school will annually review and update the student handbooks to ensure disciplinary procedures and practices are consistent with 603 CMR 53.00. The charter school will also ensure that a School-wide Education Service Plan is in place to provide education services to support academic progress for students who are expelled or on long-term suspension. |
| **Completion Timeframe:** 10/14/2022 |

| **Improvement Area 3** |
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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:** A review of documents and administrative interviews indicated that staff identified to serve as a school-wide resource on physical restraint have not received all the required in-depth training, including documentation and reporting requirements; investigation of injuries and complaints associated with restraints; and simulated physical restraint. |
| **LEA Outcome:** Benjamin Banneker Charter Public School (BBCPS) will ensure program staff who are identified and authorized to serve as a school-wide resource to assist with the proper administration of physical restraint receive in-depth training that includes documentation and reporting requirements; investigation of injuries and complaints associated with restraints; and simulated physical restraint. |
| **Action Plan:** By September 16, 2022, the charter school will conduct in-depth training for staff identified to serve as a school-wide resource on administration of physical restraint. The training will include documentation and reporting requirements; investigation of injuries and complaints associated with restraints; and simulated physical restraint. Documentation will include an agenda, training materials, signed attendance sheets, and certificates of in-depth restraint training completion. |
| **Success Metric:** By the start of the 2022-2023 school year and beyond, charter school staff who serve as a school-wide resource on physical restraints will complete the required in-depth training on the use of physical restraint.  Evidence:   * List of staff who serve as a school-wide resource on physical restraint * Certificates of in-depth restraint training completion * Agenda, signed attendance sheets, and training materials |
| **Measurement Mechanism:** Continuing after the completion deadline, charter school leadership will ensure the required in-depth restraint training for identified staff is conducted annually prior to the start of the school year. |
| **Completion Timeframe:** 09/16/2022 |
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| **Improvement Area 4** |
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| **Criterion:** CR 20 - Staff training on confidentiality of student records |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and administrative interviews indicated that the charter school's staff training on the confidentiality of student records does not address regulatory requirements pertaining to parental access to student records as required by the Family Educational Rights and Privacy Act (FERPA). Specifically, the training does not include a parent's right to inspect and review their student's education records or the need to secure written permission prior to the release of any information from a student's education record. |
| **LEA Outcome:** Benjamin Banneker Charter Public School (BBCPS) will ensure staff are annually trained on the provisions of FERPA and on the importance of information privacy and confidentiality. |
| **Action Plan:** On Tuesday, March 22, 2022, the charter school held a FERPA training with its current staff and addressed the regulatory requirements on parental access to student records.  By September 16, 2022, charter school will submit FERPA training materials and evidence that all staff have received the training. |
| **Success Metric:** By September 2022 and beyond, all the charter school staff will be trained annually on FERPA.  Evidence:   * FERPA training materials * Agenda, signed attendance sheets, and training materials |
| **Measurement Mechanism:** Continuing after the completion deadline, the charter school will review and update the FERPA training materials and include them in the annual mandated trainings for staff. |
| **Completion Timeframe:** 09/16/2022 |
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