

**Berkley Public Schools**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

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

**Tier Level** **1**

**Dates of Onsite Visit:** **November 14, 2022**

**Date of Final Report:** **May 4, 2023**

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

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Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Berkley Public Schools**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

# **TIERED FOCUSED MONITORING REPORT INTRODUCTION**

During the 2022-2023 school year, Berkley Public Schools 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/3yrcycle.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 September 20, 2022.

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

For the 2022-2023 school year, the tier assignments are based on:

* Annual drop-out rate for students with disabilities
* 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 SPP/APR compliance Indicator data for Indicators 4B, 9 & 10
  + Indicator 4B: Significant discrepancy by race or ethnicity in removal of students with

IEPs greater than 10 days

* + Indicator 9: Overall disproportionate representation of racial and ethnic groups identified

as eligible for special education

* + Indicator 10: Disproportionate representation of racial and ethnic groups within specific

disability categories

* Special education SPP/APR performance Indicator data for Indicators 5 & 6
  + Indicator 5: Education Environments (6-21)
  + Indicator 6: Preschool Environments
* Significant Disproportionality data 2021-2022 & 2022-2023

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. **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**

**for Berkley Public Schools**

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review at Berkley Public Schools during the week of November 14, 2023, 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 district.

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

**Self-Assessment Phase:**

* District review of special education and civil rights documentation for required elements including document uploads.
* Upon completion of the self-assessment, the district 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.
* Interview of a parent advisory council (PAC) representative.
* 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 district’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.) 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. |

**Berkley Public Schools**

# **SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 15, SE 32, SE 35, SE 36, SE 50, SE 51, SE 52, SE 54, SE 55, SE 56 | CR 3, CR 7, CR 7A, CR 7B,  CR 8, CR 12A, CR 20, CR 21,  CR 22, CR 23 |
| **PARTIALLY**  **IMPLEMENTED** |  | CR 10A, CR 10B, CR 10C,  CR 17A, CR 24, CR 25 |
| **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:** CR 10A - Student handbooks and codes of conduct |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that discipline procedures in the student handbooks do not include all requirements assuring due process (please see CR 10C for additional details). Furthermore, the discipline procedures for students with disabilities do not include consideration of whether the student's behavior was the direct result of the district's failure to implement the IEP.    While the district indicated that they have contracted with a vendor to update student handbooks and develop an employee handbook, the district does not currently have an employee handbook or code of conduct. |
| **LEA Outcome:** Berkley Public Schools will ensure that all student handbooks include all requirements assuring due process in disciplinary proceedings. The discipline procedures for students with disabilities will include consideration of whether the student's behavior was the direct result of the district's failure to implement the IEP.  The district will also have a staff code of conduct addressing all regulatory requirements. |
| **Action Plan:** By July 3, 2023, the district will submit updated student handbooks that include all requirements. The district will also submit a draft staff code of conduct.  By September 20, 2023, the district will submit evidence that revised student handbooks and the staff code of conduct have been approved by district leadership and the school committee and have been provided to staff and families. The district will also submit evidence that all staff have been trained on the handbook revisions and staff code of conduct. |
| **Success Metric:** By September 2023 and beyond, all Berkley Public Schools student handbooks will contain discipline policies and procedures that meet all discipline requirements. Additionally, the district will have a published staff code of conduct that meets all the requirements.  Evidence:   * Updated student handbooks * Staff code of conduct * School committee meeting minutes indicating approval * Evidence of dissemination to school community * Training materials, agenda, and signed attendance sheets |
| **Measurement Mechanism:** The administrative team will continue to work with a vendor to ensure that student handbooks, the staff code of conduct, and other policies and procedures are reviewed and updated annually to ensure continued compliance. |
| **Completion Timeframe:** 09/20/2023 |
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| **Improvement Area 2** |
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| **Criterion:** CR 10B - Bullying Intervention and Prevention |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that the district's Bullying Prevention and Intervention Plan (Plan) does not recognize that certain students may be more vulnerable to bullying or harassment based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, or by association with a person who has or is perceived to have one or more of these characteristics. With the exception of students with disabilities, the Plan does not include the specific steps that the district will take to support vulnerable students. |
| **LEA Outcome:** Berkley Public Schools' Bullying Prevention and Intervention Plan (Plan) will recognize that certain students may be more vulnerable to bullying or harassment based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, or by association with a person who has or is perceived to have one or more of these characteristics. The Plan will include specific steps that the district will take to support vulnerable students. |
| **Action Plan:** By July 3, 2023, the district will submit a revised Plan that recognizes certain students may be more vulnerable to bullying or harassment based on actual or perceived characteristics, or by association with a person who has or is perceived to have one or more of these characteristics. The Plan will also include the specific steps that the district will take to support vulnerable students.  By September 20, 2023, the updated Plan will be posted on the school website and all staff will receive appropriate training. |
| **Success Metric:** By September 2023 and beyond, the Berkley Public Schools’ Plan will include protections for certain students who may be more vulnerable to bullying. The Plan will be included in all handbooks and posted on the district website. Additionally, all staff will be trained on the updated Plan.  Evidence:   * Updated Bullying Prevention and Intervention Plan * Updated handbooks and link to posting * Training materials, agenda, and signed attendance sheets |
| **Measurement Mechanism:** The administrative team will work with a vendor to review and update all civil rights procedures and trainings, including the Plan, prior to the first professional development day at the beginning of each new school year. All staff will receive appropriate annual training on the Plan. |
| **Completion Timeframe:** 09/20/2023 |
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| **Improvement Area 3** |
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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 staff interviews indicated that the district has not developed a School-wide Education Service Plan describing the educational services the district will make available to support academic progress for students who are placed on long term suspension or expelled.  In addition, the district's student discipline procedures do not contain all required elements of due process. Specifically, the procedures for emergency removal do not make clear that the removal shall not exceed two school days following the emergency removal or include the principal's responsibility to do the following:   * Make immediate and reasonable efforts to orally notify the student and the parent of the emergency removal and the need for it; * Make adequate provisions for the student's safety and transportation prior to the removal; * Provide written notice to the student and the parent consistent with the content of the Notice of Suspension and Hearing; * Hold a hearing prior to expiration of the two school days, unless an extension of time for the hearing is otherwise agreed to by the principal, student and parent; and * Render a decision orally on the same day as the hearing, and in writing no later than the following school day.   Short-term suspension procedures do not include the following:   * Provision of opportunities for the student to make up assignments and other work needed in order to make academic progress during the period of removal.   Long-term suspension procedures do not include all required content of the written determination following the hearing or the principal's responsibility to ensure the following rights of parents and students:   * The right to review the student record and the documents upon which the principal may rely in making a determination to suspend the student or not; * The right to an interpreter if needed; * The right to request an audio recording of the hearing, a copy of which shall be provided to the student and parent upon request; and * The right of all parties to be informed before the hearing that an audio copy will be made of the hearing.   Short-term and long-term suspension procedures do not include the principal's responsibility to do the following:   * Provide the parent, if present at the hearing, the opportunity to discuss the student's conduct and offer information, including mitigating circumstances for the principal's consideration; and * Provide written determination to the superintendent, explaining the reasons for imposing an out-of-school suspension for students in preschool through grade 3, before the suspension takes effect. |
| **LEA Outcome:** Berkley Public Schools will develop a School-wide Education Service Plan describing the educational services the district will make available to support academic progress for students who are placed on long-term suspension or expelled. In addition, the district's discipline procedures will include all requirements to ensure that due process is followed to protect the rights of students and parents. |
| **Action Plan:** By July 3, 2023, the district will submit updated discipline policies, procedures, and notice templates, as well as a School-wide Education Service Plan.  By September 20, 2023, the district will submit evidence that all relevant staff have been trained on the updated discipline procedures.  By November 17, 2023, the district will submit the results of an internal review of discipline records to determine whether the procedures are implemented consistently. For any identified noncompliance, the district will conduct a root cause analysis and determine a corrective action plan. |
| **Success Metric:** By November 2023 and beyond, Berkley Public Schools’ discipline procedures will contain all required elements of due process. The district will also have a School-wide Education Service Plan in place. The updated procedures will be included in student handbooks and posted on the district’s website. All relevant staff will be trained on the updated discipline procedures.  Evidence:   * Updated discipline procedures, School-wide Education Service Plan, and notice templates * Updated student handbooks and posting on district website * Training materials, agenda, and signed attendance sheets * Results of internal record review * Root cause analysis and action plan, if necessary |
| **Measurement Mechanism:** The administrative team will work with a vendor to review and update all civil rights procedures and trainings, including the district’s discipline policies and procedures, prior to the first professional development day at the beginning of each new school year. Additionally, all staff will be trained on the district's discipline policies and procedures. |
| **Completion Timeframe:** 11/17/2023 |
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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:** A review of documents and staff interviews indicated that the district's restraint procedures are missing methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents in discussions about restraint prevention and use; alternatives to physical restraint; and a procedure for receiving and investigating complaints. |
| **LEA Outcome:** Berkley Public Schools' restraint procedures will include methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents in discussions about restraint prevention and use; alternatives to physical restraint; and a procedure for receiving and investigating complaints. All staff will receive appropriate annual training on the restraint policy and procedures. |
| **Action Plan:** By July 3, 2023, the district will submit updated restraint procedures that include all requirements.  By September 20, 2023, all staff will be trained on the district's updated restraint procedures. |
| **Success Metric:** By November 2023 and beyond, Berkley Public Schools will ensure restraint procedures include all requirements. This information will be contained in all student handbooks and posted on the district's website. All staff will be trained within the first month of school on the updated procedures and, for employees hired after the school year begins, within a month of their employment.  Evidence:   * Updated restraint procedures * Training materials, agenda, and signed attendance sheets |
| **Measurement Mechanism:** The administrative team will work with a vendor to review all civil rights procedures and trainings, including the restraint policy and procedures, prior to the first professional development day at the beginning of each new school year. Additionally, all staff with be trained within the first month of school on the updated restraint procedures and, for employees hired after the school year begins, within a month of their employment. |
| **Completion Timeframe:** 09/20/2023 |
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| **Improvement Area 5** |
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| **Criterion:** CR 24 - Curriculum review |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that the district ensures all teachers review 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. However, the district does not ensure that individual teachers use appropriate activities, discussions, and/or supplementary materials to provide balance and context for any stereotypes depicted in learning materials. |
| **LEA Outcome:** All individual teachers at Berkley Public Schools will use appropriate activities, discussions, and/or supplementary materials to provide balance and context for any stereotypes depicted in learning materials. |
| **Action Plan:** By July 3, 2023, district administrators will meet with a liaison from the Department of Elementary and Secondary Education (Department) for a training on curriculum review. Following the training, the district will develop curriculum review procedures that include internal monitoring to ensure compliance.  By September 20, 2023, all teachers and other relevant staff will be trained on addressing bias in curricular materials and the district's internal monitoring procedures.  By November 17, 2023, the district will conduct an internal review of the monitoring procedures to determine whether all individual teachers use appropriate activities, discussions, and/or supplementary materials to provide balance and context for any stereotypes depicted in learning materials. For any identified noncompliance, the district will submit a root cause analysis and a corrective action plan. |
| **Success Metric:** By November 2023 and beyond, Berkley Public Schools will ensure all teachers use appropriate activities, discussions, and/or supplementary materials to provide balance and context for any stereotypes depicted in learning materials.  Evidence:   * Curriculum review procedures, with internal monitoring * Training materials, agendas, and signed attendance sheets * Results of internal monitoring review * Root cause analysis and action plan if necessary |
| **Measurement Mechanism:** Each year, the administrative team will provide training to all relevant staff on curriculum review requirements. The district will also conduct quarterly internal monitoring for compliance with curriculum review requirements and provide additional training and/or coaching to address any identified noncompliance. |
| **Completion Timeframe:** 11/17/2023 |
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| **Improvement Area 6** |
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| **Criterion:** CR 25 - Institutional self-evaluation |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that the district does not evaluate 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. |
| **LEA Outcome:** The district will evaluate 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. Each year, the district will make such changes as are indicated by the evaluation. |
| **Action Plan:** By July 3, 2023, district leadership will receive training from the Department on conducting an institutional self-evaluation. The training will address assembling an appropriate team, data review, actionable root-cause analysis and prioritization, action planning, and progress monitoring.  By September 20, 2023, the district will submit the procedures and tools for conducting an institutional self-evaluation that include data review, actionable root cause analysis and prioritization, input from families, teachers, athletic directors, and students, action planning, and progress monitoring. Additionally, the district will submit evidence of training staff and other stakeholders responsible for conducting the institutional self-evaluation.  By November 17, 2023, the district will submit a self-evaluation summary that includes the results of the data analysis with any discrepancies identified, the root cause analysis, the action plan to address discrepancies, and progress monitoring timelines. |
| **Success Metric:** By November 2023 and beyond, Berkley Public Schools will conduct an annual institutional self-evaluation and develop and implement an action plan to address any identified discrepancies.  Evidence:   * Procedures for annual self-evaluation * Training agendas, attendance sheets, and materials * Self-evaluation summary |
| **Measurement Mechanism:** The district will conduct an annual institutional self-evaluation and address any discrepancies identified through action plans. Any new staff responsible for conducting aspects of the institutional evaluation will be trained on the evaluation procedures during the onboarding process. |
| **Completion Timeframe:** 11/17/2023 |
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