

**Berkshire Hills Regional School District**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

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

**Tier Level** **2**

**Dates of Onsite Visit:** **December 5-6, 2022**

**Date of Final Report: March 23, 2023**

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Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Berkshire Hills Regional School District**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

# **TIERED FOCUSED MONITORING REPORT INTRODUCTION**

During the 2022-2023 school year, Berkshire Hills Regional School District 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 |
| 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 Berkshire Hills Regional School District**

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review in Berkshire Hills Regional School District during the week of December 5, 2022, 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.
* District review of a sample of special education student records selected across grade levels, disability categories, and levels of need.
* Upon completion of the self-assessment, the district submitted the data to the Department for review.

**On-site Verification Phase:**

* Interviews of staff consistent with those criteria selected for onsite verification.
* Interview of a parent advisory council (PAC) representative and other telephone interviews, as requested by parents or members of the general public.
* 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 solicits information regarding their experiences with the district’s implementation of special education programs, related services, and procedural requirements.
* 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 have been met.
* Observations of classrooms and other facilities.

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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. |

**Berkshire Hills Regional School District**

# **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 54, SE 55, SE 56 | CR 3, CR 7, CR 7A, CR 7C, CR 8, CR 10C, CR 12A, CR 17A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 | SE 44, SE 45, SE 46, SE 47 |
| **PARTIALLY****IMPLEMENTED** |  | CR 7B, CR 10A, CR 10B, CR 16 |  |
| **NOT****IMPLEMENTED** | None | None | None |
| **NOT** **APPLICABLE** | SE 52A |  |  |

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>>.

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# **CONTINUOUS IMPROVEMENT AND MONITORING PLAN**

| **Improvement Area** **1** |
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| **Criterion:** CR 7B - Structured learning time |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Although the district has a plan to amend course requirements so that all students in grades 9-12 participate in physical education as required by M.G.L. c. 71, s. 3, this plan is not yet in place. A review of documents and interviews indicated that high school students are currently only required to take three semesters (1.5 credits) of physical over four years. |
| **LEA Outcome:** The district will amend course requirements so that all students in grades 9-12 participate in physical education as required by M.G.L. c. 71, s. 3. |
| **Action Plan:** By May 19, 2023, high school administration will meet with the guidance department to conduct an internal review of student course schedules to ensure that all high school students have or will participate in physical education (PE) during the 2023-2024 school year. If the district finds any schedule does not meet the requirement, they will address each to ensure compliance. Evidence will include the meeting agenda as well as the results of the internal review of participation in PE. By August 25, 2023, the high school administration will submit a revised Program of Studies to the school committee that includes the expectation that every student will take a semester of PE during each year of high school. Evidence will include the revised Program of Studies and meeting minutes indicating school committee approval. |
| **Success Metric:** By the 2023-2024 school year and beyond, the district will ensure that all students are required to take a semester of PE in each year of high school. Evidence:* High school administration and guidance department joint meeting agenda
* Internal review of student roster for participation in PE
* Revised Program of Studies
* School committee minutes documenting approval
 |
| **Measurement Mechanism:** High school administration will conduct an internal review of class rosters and student schedules by November of each year to ensure that all students in grades 9-12 are enrolled in a semester of PE. |
| **Completion Timeframe:** 08/25/2023 |
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| **Improvement Area 2** |
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| **Criterion:** CR 10A - Student handbooks and codes of conduct |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Although the district has developed complete procedures assuring due process in disciplinary proceedings, document review and staff interviews indicated that the district handbooks are missing the following requirements: * The parent's opportunity, if present at the principal's short- or long-term suspension hearing, to discuss the student's conduct and to present information, including mitigating circumstances for the principal's consideration in determining appropriate remedies and consequences for the student;
* The principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation; and
* Procedures for students who have not yet been found eligible for special education.

The Muddy Brook Regional Elementary Handbook is also missing the following: * The principal's responsibility to send a copy of the written determination to the superintendent, explaining the reasons for imposing an out-of-school suspension for a student in preschool through grade three, before a short or long-term suspension takes effect;
* Procedures for in-school suspension; and
* Procedures for the superintendent's hearing.

The W.E.B. Du Bois Regional Middle School Handbook is also missing the following: * Procedures for in-school suspension; and
* Procedures for the superintendent's hearing.
 |
| **LEA Outcome:** The district handbooks will be revised to include the following disciplinary procedures: * The parent's opportunity, if present at the principal's short- or long-term suspension hearing, to discuss the student's conduct and to present information, including mitigating circumstances for the principal's consideration in determining appropriate remedies and consequences for the student;
* The principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation; and
* Procedures for students who have not yet been found eligible for special education.

The Muddy Brook Regional Elementary Handbook will be revised to include the following: * The principal's responsibility to send a copy of the written determination to the superintendent, explaining the reasons for imposing an out-of-school suspension for a student in preschool through grade three, before a short or long-term suspension takes effect.

The Muddy Brook Elementary and W.E.B DuBois Regional Middle School Handbooks will be revised to include the following: * Procedures for in school suspension; and
* Procedures for the superintendent's hearing.
 |
| **Action Plan:** By May 19, 2023, the Director of Student Services will meet with the assistant principals at each school to review, edit, and update the procedures assuring due process in disciplinary proceedings in the handbooks. By August 25, 2023, the district handbooks, containing the complete procedures assuring due process in disciplinary proceedings, will be presented to the school committee for review and approval. Evidence will include the school committee meeting minutes indicating approval. By August 25, 2023, all staff will review the procedures within their specific school's handbook. Evidence will include documentation of the review. Notification of the revised handbooks will be disseminated to the school community. |
| **Success Metric:** By the 2023-2024 school year and beyond, the district's elementary, middle, and high school handbooks will contain all appropriate procedures for due process in disciplinary proceedings. All updated handbooks will be posted on the district's websites. Evidence: * Revised handbooks
* School committee minutes indicating approval
* Documentation from all staff members indicating review
* Links to school websites with updated handbooks
 |
| **Measurement Mechanism:** Annually, the district's principals and assistant principals and the Director of Student Services will meet in the spring to review, revise, and update the handbooks as necessary. |
| **Completion Timeframe:** 08/25/2023 |
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| **Improvement Area 3** |
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| **Criterion:** CR 10B - Bullying Intervention and Prevention |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and staff interviews indicated that the district has not posted its Bullying Prevention and Intervention Plan (Plan) on the district websites. In addition, the Plan does not make clear 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; mental, physical, developmental or sensory disability; or by association with a person who has or is perceived to have one or more of these characteristics. |
| **LEA Outcome:** The district will post its Bullying Prevention and Intervention Plan (Plan) on the district websites by August 25, 2023. This plan will make clear 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; mental, physical, developmental or sensory disability; or by association with a person who has or is perceived to have one or more of these characteristics. |
| **Action Plan:** By May 19, 2023, the district will revise its Bullying Prevention and Intervention Plan (Plan) to include 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; mental, physical, developmental or sensory disability; or by association with a person who has or is perceived to have one or more of these characteristics. Evidence will include the revised Plan.By August 25, 2023, the school committee will review and approve the revised Plan. Evidence will include school committee minutes indicating approval. By August 25, 2023, all staff will receive training on the updated Plan and the Plan will be posted on the district's websites. Evidence will include staff training agenda, attendance, and links to webpages. |
| **Success Metric:** By the first day of school each year, the district will ensure that the Plan conforms with all requirements. The school community will be notified annually of the Plan and all staff will receive requisite training specific to the Plan.Evidence:* Revised Plan
* School committee minutes
* Posting of revised Plan on all school websites
* Training agenda and attendance
 |
| **Measurement Mechanism:** The principals, assistant principals, and the Director of Student Services will review and/or revise the Bullying Prevention and Intervention Plan annually in the spring and will ensure appropriate annual staff training. |
| **Completion Timeframe:** 08/25/2023 |
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| **Improvement Area 4** |
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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 staff interviews indicated that the district developed a written notice for former students who have not yet earned their competency determination and who have not transferred to another school, but they do not yet send the annual written notice by first class mail to the last known address of each such student who attended high school in the district within the past two years. |
| **LEA Outcome:** The high school will ensure that annual written notice is sent to former students who have not yet earned their competency determination, and who have not transferred to another school, by first class mail, to the last known address of each such student who attended high school in the district within the past two years. |
| **Action Plan:** By May 19, 2023, the district will submit outreach procedures for former students who have not yet earned their competency determination and who have not transferred to another school. The district will also develop an internal monitoring system to ensure implementation.By May 19, 2023, the district will submit evidence of training of staff responsible for implementing outreach procedures.By August 25, 2023, the district will submit evidence of an internal review of applicable student records to ensure that the notices were sent. The district will conduct a root cause analysis and implement appropriate corrective actions for any identified noncompliance. |
| **Success Metric:** By August 2023 and beyond, the district will send annual written notice to former students who attended high school in the district within the past two years and who have not yet earned their competency determination and have not transferred to another school.Evidence:* Outreach procedures
* Internal monitoring system
* Attendance sheets, agendas, and training materials
* Results of internal monitoring review, root cause analysis, and corrective action steps, as appropriate
 |
| **Measurement Mechanism:** The assistant principals and the Director of Student Services will implement the internal monitoring system to ensure that annual notice is sent to students who leave school without earning their competency determination. All relevant staff will be provided with training on the outreach procedures at least annually. |
| **Completion Timeframe:** 08/25/2023 |
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