

**Pittsfield Public Schools**

**SPECIAL EDUCATION & CIVIL RIGHTS**

**MONITORING REPORT**

**Office of Public School Monitoring**

**For** **Group A Universal Standards**

**Dates of Onsite Visit:** **March 14 and March 20-22, 2024**

**Date of Draft Report:** **September 11, 2024**

**Date of Final Report: September 27, 2024**

**Action Plan Due: October 28, 2024**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**SPECIAL EDUCATION & CIVIL RIGHTS MONITORING REPORT**

**Pittsfield Public Schools**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**OFFICE OF PUBLIC SCHOOL MONITORING**

**SPECIAL EDUCATION & CIVIL RIGHTS MONITORING REPORT**

During the 2023-2024 school year, Pittsfield Public Schools participated in a Special Education & Civil Rights Monitoring Review (Monitoring Review) conducted by the Department’s Office of Public School Monitoring (PSM). The purpose of the Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

**Components of the Monitoring Review**

Each school district, charter school, vocational school, and virtual school undergoes a Monitoring Review every three years. The statewide 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), 20 U.S.C. § 1400 *et seq* and accompanying regulations at 34 CFR Part 300.
* Massachusetts General Law Chapter 71B, and the Massachusetts Special Education regulations (603 CMR 28.00).

**Civil Rights Methods of Administration and Other General Education Requirements (CR)**

* Specific 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 select state requirements under M.G.L. c. 76, § 5 and M.G.L. c. 269 §§ 17 through 19.
* Specific requirements from the Massachusetts Physical Restraint regulations (603 CMR 46.00).
* Specific requirements from the Massachusetts Student Learning Time regulations (603 CMR 27.00).
* Specific requirements from the Massachusetts Student Records regulations (603 CMR 23.00).
* Various requirements under other federal and state laws and regulations.

**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.

**Report for Monitoring Reviews**

At the end of the onsite visit, the PSM team holds an informal exit meeting with the superintendent or charter school leader to summarize the review. Within 45 business days, draft comments for special education and civil rights are provided to the district/school on-line through the Web-based Monitoring System (WBMS). Within 10 business days of receipt of the draft comments, the district/charter school reviews and comments on factual accuracy before the publication of a final Monitoring Report with ratings and findings. The final Monitoring Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department’s website at

< <https://www.doe.mass.edu/psm/tfm/reports/>>.

**Ratings:** In the final Monitoring Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are “Commendable,” “Implemented,” “Implementation in Progress,” “Partially Implemented,” “Not Implemented,” and “Not Applicable.”

The onsite team includes a comment in the final Monitoring Report for each criterion that it rates “Commendable,” “Partially Implemented,” “Not Implemented,” or “Implementation in Progress,” explaining the basis for the rating.

**Corrective Action:** Where criteria are found “Partially Implemented” or “Not Implemented,” the district or charter school must propose a corrective action plan (CAP) to bring those areas into compliance with the relevant statutes and regulations. The CAP is due to the Department within 20 business days after the issuance of the final Monitoring Report and is subject to the Department’s review and approval. Department staff provide support and assistance to districts and charter schools on the development of an approvable CAP.

Department staff also provide ongoing technical assistance as the school or district is implementing the approved 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 Final Monitoring Report.**

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

**SPECIAL EDUCATION & CIVIL RIGHTS MONITORING REPORT**

**for** **Pittsfield Public Schools**

The Massachusetts Department of Elementary and Secondary Education conducted a Monitoring Review in Pittsfield Public Schools in March 2024 to evaluate the implementation of Group A 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.
* District review of student records related to the Indicator Data Collection for Indicators 11, 12, and 13.
* Upon completion of the self-assessment, the district submitted the data to the Department for review.

**On-site 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 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, including time-out rooms and approved public day schools.

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| The Final 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 Final Reports do not include criteria receiving a rating of “Implemented” or “Not Applicable.” This will allow the district 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. |
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| **Not Applicable** | The requirement does not apply to the school district or charter school. |

Pittsfield Public Schools

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Universal Standards Special Education** | **Universal Standards Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3, SE 3A, SE 6, SE 7, SE 9A, SE 10, SE 11, SE 12, SE 14, SE 17, SE 18A, SE 19, SE 26, SE 29, SE 35, SE 37, SE 38, SE 42, SE 49 | CR 14 |  |
| **PARTIALLY**  **IMPLEMENTED** | SE 8, SE 9, SE 13, SE 20, SE 22, SE 25, SE 34, SE 39, SE 40, SE 41, SE 43, SE 48 | CR 13, CR 18 | SE 18B, SE 55 |
| **NOT**  **IMPLEMENTED** | None |  |  |
| **NOT**  **APPLICABLE** | None |  |  |

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>>.

**SUMMARY OF INDICATOR DATA REVIEW**

As part of the self-assessment process for districts or charter schools undergoing a review for Group A Universal Standards, the PSM team reviewed the results of Indicator data submissions for Indicators 11, 12, and 13. The Indicator review is completed prior to the onsite visit and helps inform the scope of the onsite review. For any Indicator data noncompliance found, the district or charter school must develop and implement corrective action that includes correcting noncompliance for the individual students affected by it, addressing the root cause and underlying reasons for the identified noncompliance, and reviewing additional records as evidence that the issues have been corrected and that requirements are being met. The Office of Special Education Programs (OSEP) requires correction of noncompliance within one year of the finding.

The results of the Department’s analysis regarding these Indicators are as follows:

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|  | **Compliant** | **Non-Compliant** | **Not Applicable** |
| **Indicator 11 – Initial**  **Evaluation Timelines** | X |  |  |
| **Indicator 12 – Early**  **Childhood Transition** | X |  |  |
| **Indicator 13 –**  **Secondary Transition** | X |  |  |

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| |  | | --- | | **SPECIAL EDUCATION**  **LEGAL STANDARDS,**  **COMPLIANCE RATINGS AND**  **FINDINGS** | |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **SE 8** | IEP Team composition and attendance  The following persons are members of the IEP Team and may serve in multiple roles:   1. The student's parents. 2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district. 3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson).    1. If the student *may* be involved in a regular education program, a regular education teacher. If the student *is* involved in a regular education program, a regular education teacher of the student.    2. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student. 4. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses. 5. Other individuals at the request of the student's parents. 6. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 - 4 above. 7. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education. 8. When one purpose of the Team meeting is to discuss transition services, with the consent of the parent(s) or student who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. 9. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting. 10. Members of the Team attend Team meetings unless:     1. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR     2. the district and the parent agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed OR     3. the district and the parent agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent and the IEP Team prior to the meeting. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.02(21). Part 1 of this criterion is related to State Performance Plan Indicator 8. Parts 5, 10, are related to Performance Plan Indicators 13 and 14. (See <https://www.doe.mass.edu/sped/spp/maspp.html> | | 34 CFR 300.116(a), 300.321, 300.328.  See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, to State Question #22 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews and interviews indicate that the district does not consistently document attendance at IEP Team meetings.*  *In addition, when a member of the Team does not attend a Team meeting, the district does not consistently implement the following procedures:*   * *Documenting, in writing, that the district and parent agree that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed; or* * *Documenting, in writing, that the district and parent agree to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent and the IEP Team prior to the meeting.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| SE 9 | Timeline for determination of eligibility  Within 45 school working days after receipt of the parent's written consent to an initial evaluation or a re‑evaluation, the school district determines whether the student is eligible for special education. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.05(1); 28.06(2)(e) | |  | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews indicate that the district does not consistently determine whether the student is eligible for special education services within 45 school-working days after receipt of a parent's written consent to an initial evaluation or a re-evaluation.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 13** | Progress Reports and content   1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students. 2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP. 3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.07(3) | | 34 CFR 300.305(e)(3); 300.320(a)(3) | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews and interviews indicate that the district does not consistently ensure that progress report information sent to parents includes written information on the student's progress towards the annual goals in the IEP.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| SE 18B | Determination of placement; provision of IEP to parent   1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP. 2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education. 3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the student, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to be provided. 4. Reserved. 5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.05(6) and (7); 28.06(2) | | 34 CFR 300.116; 300.325 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews and interviews indicate that the district does not always provide the proposed IEP and proposed placement along with the required notice to the parent immediately following the development of the IEP.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 20** | Least restrictive program selected   1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs. 2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student's program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. 3. The district does not remove an eligible student from the general education classroom solely because of needed modification in the curriculum. 4. If a student's IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student's transition to placement in a less restrictive program. | | | |
|  | State Requirements | | Federal Requirements | |
|  | M.G.L. c. 71B, § 3  603 CMR 28.06(2) | | 34 CFR 300.114-120  34 CFR 300.42 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews and interviews indicate that the district does not always consider the least restrictive environment for students. Specifically, for students at Crosby Educational Academy Approved Public Day School, inclusion in the general education program is based on the student's ability to comply with the school-wide behavior management system rather than a decision made by the student's IEP Team. The behavior management system indicates that for a student to be "eligible for inclusion in general education classrooms" the student must meet and maintain specific levels of school-wide behavioral expectations that are not tailored to individual student need.*  *Furthermore, on July 9, 2024, the Department's Problem Resolution System (PRS) issued a Letter of Finding in response to a complaint alleging that the IEP Team for a student attending Crosby Educational Academy Approved Public Day School did not consider the least restrictive environment for the student. Specifically, PRS found that the district did not provide documentation demonstrating that the IEP Team had alternative placement options to consider when making the placement decision for this student.*  *Please see SE 34 for more information regarding the district's lack of a continuum of services for students with disabilities that may have social, emotional, or behavioral needs.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 22** | IEP implementation and availability   1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay. 2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction. 3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it. 4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.05(7)(b); 28.06(2)(d)(2) | | 34 CFR 300.323 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *The Department's Problem Resolution System (PRS) issued two separate Letters of Finding in October 2023 and December 2023, indicating that the district did not implement all accepted elements of the IEP without delay, per 603 CMR 28.05(7)(b). Corrective Action Plans were submitted by the district and both corrective action plans remain under review by PRS as of the issuance of this Draft Report.*  *Furthermore, in one record reviewed by the Office of Public School Monitoring, it was found that the district changed the placement of a student from the Approved Public Day School to full inclusion without parental consent. As a result of this placement change, the student did not receive all mutually agreed upon services set forth in the IEP.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 25** | Parental consent   1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education. 2. The school district obtains consent before initiating extended evaluation services. 3. The school district obtains consent to the services proposed on a student's IEP before providing such services. 4. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the student. 5. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home.  Efforts may include seeking assistance from a community service agency to secure parental participation. 6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a re-evaluation or to placement in a special education program subsequent to the initial placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the student.  If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through the Bureau of Special Education Appeals (BSEA). 7. If the parent has given consent for special education services and then, at any time following, revokes his/her consent to the student's special education services in writing, the district is obligated to discontinue all special education services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian of the district´s proposal to discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards. The district must provide the notice a reasonable time before the district intends to discontinue the services. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.07(1)  This criterion is related to State Performance Plan Indicator 8. (See <https://www.doe.mass.edu/sped/spp/indicators/indicator8/> | | 34 CFR 300.300 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews, document review, and interviews indicate that some general education students receive special education services in English Language Arts and Mathematics, outside of the general education classroom, without parental consent. These groups are taught by a special education teacher and include special education students receiving such services as listed on their IEP Service Delivery Grid C.*  *Additionally, student record reviews indicate that when a parent fails or refuses to provide consent for special education services, the district does not document attempts to secure the consent of the parent through multiple attempts using a variety of methods, which may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, home visits at times the parent is likely to be present, or by seeking assistance from a community service agency to secure parental consent.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 34** | Continuum of alternative services and placements  The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty‑one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.05(7)(b) | | 34 CFR 300.109; 300.110; 300.115 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews and interviews indicate that the district lacks a continuum of services and placements to support students with disabilities that may have social, emotional, or behavioral needs. Specifically, interviews indicate that eligible students with social, emotional, and/or behavioral needs are often placed in more restrictive environments, such as the district's two Approved Public Day Schools, due to a lack of services, supports, and programs in less restrictive environments.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 39** | Procedures used to provide services to eligible students enrolled in private schools at private expense  For all students with disabilities attending private school(s) located in the district's geographic boundary whose parents reside in Massachusetts or out of state, the school district:   1. Conducts child find activities comparable to those for public school students, for all students enrolled at private expense in private schools located in the geographic boundary of the district. 2. Provides or arranges for the provision of an evaluation for any private school student who is referred for evaluation. The evaluation may take place in the public school, the private school, or an appropriate contracted facility. 3. Provides for ongoing timely and meaningful consultation with private school representatives and representatives of parents of parentally-placed private school children with disabilities prior about:    1. the child find process for students suspected of having a disability, and how parents, teachers, and private school officials will be informed about the child find process;    2. what the determination of proportionate share funds is and the calculation of which that determination is based, including the underlying data;    3. how the consultation process will occur during the school year between the district, private school representatives, and parents;    4. how, where, and by whom special education and related services will be provided to eligible private school students with disabilities using proportionate share funds, including types of services, how funds will be apportioned if federal funds are insufficient to serve all eligible students, and how and when decisions about proportionate share services will be made; and    5. how the district will notify private school officials, in writing, if the district does not agree with the view of the private school offices about the provision of services or specific types of services. 4. Obtains signed, written affirmation from participating private school officials that consultation has occurred, and if there is no written affirmation, the district sends ESE documentation about the consultation process. 5. Calculates the proportionate share of federal special education entitlement funds (Fund Code 240 [IDEA Section 611Funds] and Fund Code 262 [IDEA Section 619 Funds]) required to be spent, based on the child count taken between October 1 and December 1 of the *prior* fiscal year that includes the number of all eligible private school students attending school in the district's geographic catchment area including residents, non-residents, and home school students, using the ESE form. (N.B.: A student remains eligible for 3 years following identification. Child count includes all students found eligible attending school in the district, regardless of whether they receive(d) special education services.) 6. Determines equitable services and how they will be provided to one or more students with disabilities attending private schools in the district through    1. a discussion of student needs and possible types of special education and related services that can be provided either directly or through alternative service delivery mechanisms;    2. consideration that federal grant funds can be used to provide services on the grounds of private schools, although services provided with state and local funds must be provided at a "public school facility or other public or neutral site";    3. if the amount of proportionate share grant funds are insufficient to serve every eligible student, a discussion of how the district will apportion the services among eligible students, or may choose to supplement the proportionate share of the grant funds with additional grant funds or with state or local funds; and    4. if the school district disagrees with the views of the private school officials on the provision or type of services, the district must provide private school officials with a written explanation of the reasons the district chose not to provide services directly or through a contract. The school district has the final decision-making authority. 7. Creates a services plan for each eligible private school student who will receive special education or related services from the district using proportionate share funds.    1. Initiates and conducts meetings to develop, review, and revise services plans for eligible students.    2. Ensures a representative of each student's private school attends each meeting or is able to participate through individual or conference calls. 8. If using federal funds only, provides special education services and/or related services to private school children at the private school, and if using state funds, provides services to private school students on the grounds of the public school or another public or neutral site. 9. Collects the following data and information, and reports to ESE as necessary in the Fund Code 240 application:    1. the number of private school and home school children evaluated in a school year;    2. the number of private school and home school children determined to be eligible in a school year (may include evaluations conducted, or, for non-residents, evaluations provided by the district of residence and accepted as evidence of eligibility); and    3. the number of private school and home school children served in a school year regardless of where they attend school. | | | |
|  | State Requirements | | Federal Requirements | |
|  | M.G.L. c. 71B, section 2  603 CMR 28.03(1)(e) | | 34 CFR 300.130-144; 300.300(d)(4) | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and interviews indicate the district does not consistently provide ongoing timely and meaningful consultation with private school representatives, representatives of parents of parentally- placed private school students with disabilities, and parents of homeschooled students.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 40** | Instructional grouping requirements for students aged five and older   1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. 2. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. 3. When eligible students are assigned to instructional groupings outside of the general education classroom for 60% or less of the students' school schedule, group size does not exceed    1. 8 students with a licensed special educator,    2. 12 students if the licensed special educator is assisted by 1 aide, and    3. 16 students if the licensed special educator is assisted by 2 aides 4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for more than 60% of the students' school schedule, the district provides instructional groupings that do not exceed    1. 8 students to 1 licensed special educator, or    2. 12 students to 1 licensed special educator and 1 aide. 5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the administrator of special education and the licensed special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than 2 additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school. 6. In such cases, the administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated. 7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.06(6) | |  | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Pittsfield Public Schools failed to submit all required instructional grouping information. Of the submissions provided, three substantially separate groupings, one at Crosby Elementary School and two at Pittsfield High School, do not have a licensed special education teacher. One study-skills grouping at Taconic High School exceeded the maximum group size with fourteen students, one teacher, and one paraprofessional.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 41** | Age span requirements  The ages of the youngest and oldest student in any instructional grouping do not differ by more than 48 months. A written request for approval of a wider age range is submitted to the commissioner of elementary and secondary education in cases where the district believes it is justified. Such requests are implemented only after approval of the Department of Elementary and Secondary Education. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.06(6)(f) | |  | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *See SE 40 regarding the lack of instructional grouping information.* |

| **CRITERION**  **NUMBER** | SPECIAL EDUCATION **V. STUDENT SUPPORT SERVICES** | | | |
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|  | **Legal Standard** | | | |
| **SE 43** | Behavioral interventions  For a student whose behavior impedes their learning or the learning of others, the Team considers the use of positive behavioral interventions and supports, and other strategies, to address that behavior. | | | |
|  | State Requirements | | Federal Requirements | |
|  |  | | 34 CFR 300.324(a)(2)(i) | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Please see SE 20 regarding the school-wide behavior management system at Crosby Educational Academy Approved Public Day School and SE 34 regarding a lack of a continuum of services for students with disabilities that may have social, emotional, and behavioral needs.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 48** | Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education  All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the school.  Programs, services, and activities include, but are not limited to:   1. art and music; 2. vocational education, industrial arts, and consumer and homemaking education; 3. work study and employment opportunities; 4. counseling services available at all levels in the district; 5. health services; 6. transportation; 7. recess and physical education, including adapted physical education; 8. athletics and recreational activities; 9. school‑sponsored groups or clubs; 10. meals. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.06(5) | | 34 CFR 300.101 - 300.113 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record reviews, document review, and interviews indicate that students attending Crosby Educational Academy Approved Public Day School do not have an equal opportunity to participate in the general education program. Please see SE 20 regarding access to general education opportunities being limited by the student's ability to comply with the school-wide behavior management system rather than a decision made by the student's IEP Team.* |

| **CRITERION**  **NUMBER** | SPECIAL EDUCATION **VII. SCHOOL FACILITIES** | | | |
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|  | **Legal Standard** | | | |
| **SE 55** | Special education facilities and classrooms  The school district provides facilities and classrooms for eligible students that   1. maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each student's IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; 4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and 5. are not identified by signs or other means that stigmatize such students. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.03(1)(b) | | Section 504 of the Rehabilitation Act of 1973 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Observations and interviews indicate that Crosby Educational Academy Approved Public Day School is not equal in all physical respects to the average standards of general education facilities and classrooms. Specifically, Crosby Educational Academy Approved Public Day School does not receive the same level of building maintenance support as other district facilities resulting in dirt and other debris on the floors, rugs, and walls; broken and ripped furniture; overflowing trash cans; and broken cabinets and shelving. Additionally, interviews indicate that supplies of toilet paper, paper towels, and hand soap are only replenished and installed at Crosby Educational Academy Approved Public Day School when instructional staff contact custodial services who deliver the supplies, but they are not regularly replenished or installed as they are for all other school buildings.*  *Additionally, observations and interviews indicate that Crosby Educational Academy Approved Public Day School, Crosby Elementary School, Morningside Community School, Stearns Elementary School, and Eagle Educational Academy have time-out and/or sensory rooms that are not clean, safe, sanitary, or appropriate for the purposes of calming.* |

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| |  | | --- | | **CIVIL RIGHTS**  **METHODS OF ADMINISTRATION (CR)**  **AND**  **OTHER RELATED GENERAL EDUCATION REQUIREMENTS**  **LEGAL STANDARDS,**  **COMPLIANCE RATINGS AND**  **FINDINGS** | |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| CR 13 | Availability of information and academic counseling on general curricular and occupational/vocational opportunities  Students, in grades 7-12, from linguistic, racial, and ethnic minorities; males; females; homeless students; and students with disabilities all receive, in grades 7-12, the same information and academic counseling as other students on the full range of general curricular and any occupational/vocational opportunities available to them.  The district ensures that ELs are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs.  The district uses grade appropriate content objectives for ELs that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members. | | | |
|  | Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a), (b); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.36; Section 504: 29 U.S.C. 794; 34 CFR 104.4, 104.37(b); Title II: 42 U.S.C. 12132; 28 CFR 35.130; ESSA: Title III, Secs. 3115 (d)(3)(A), (d)(8), (e)(1)(C); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03 | | | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *During the 2023-2024 monitoring review conducted by the Office of Language Acquisition (OLA), it was determined that the district does not ensure that English Learners (ELs) are taught to the same academic standards and curriculum as all students; are provided with the same opportunities to master such standards as all students; and have access to the full range of programs. OLA issued an ELE 5 Program Placement and Structure finding in May 2024 that indicated ELs do not always have access to rigorous, grade-level content instruction, and content teachers do not always use sheltered content instruction strategies.*  *Corrective action required will be reviewed and verified by OLA.* |

| **CRITERION**  **NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS **VI. FACULTY, STAFF AND ADMINISTRATION** | | | |
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|  | **Legal Standard** | | | |
| **CR 18** | Responsibilities of the school principal   1. Instructional support. The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the administrator of special education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility. 2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district's general education program to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. (*The plan may be part of a multi-year strategic plan.)* 3. Early Literacy Screening. Effective July 31, 2023, each school district shall at least twice per year assess each student's reading ability and progress in literacy skills, from kindergarten through at least third grade, using a valid, developmentally appropriate screening instrument approved by the Department. Consistent with section 2 of chapter 71B of the general laws and the Department's dyslexia and literacy guidelines, if such screenings determine that a student is significantly below relevant benchmarks for age-typical development in specific literacy skills, the school shall determine which actions within the general education program will meet the student's needs, including differentiated or supplementary evidence-based reading instruction and ongoing monitoring of progress. Within 30 school days of a screening result that is significantly below the relevant benchmarks, the school shall inform the student's parent or guardian of the screening results and the school's response and shall offer them the opportunity for a follow-up discussion. 4. Coordination with special education. The principal with the assistance of the administrator of special education coordinates the delivery and supervision of special education services within each school building. 5. Educational services in home or hospital. Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP. | | | |
|  | M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3) | | | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *During the 2023-2024 monitoring review conducted by OLA, it was determined that the district does not consistently offer adequate and appropriate services for ELs. For example, OLA found that:*   * *Not all identified ELs receive ESL services;* * *District procedures pertaining to proficiency benchmark requirements are not consistently implemented throughout the district; and* * *The district does not always provide essential components of an effective ELE program.*   *Corrective action required will be reviewed and verified by OLA.* |

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| This Special Education and Civil Rights Final Report is also available at:  <https://www.doe.mass.edu/psm/tfm/reports/>.  Profile information supplied by each charter school and school district, including information for individual schools within districts, is available at  <http://profiles.doe.mass.edu/>. |

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| Prepared by: | **SH/SKM** |