

**Plymouth Public Schools**

**SPECIAL EDUCATION & CIVIL RIGHTS**

**MONITORINGREPORT**

**Office of Public School Monitoring**

**For Group A Universal Standards**

**Dates of Onsite Visit: March 26-27, 2024**

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

**Date of Final Report: August 1, 2024**

**Action Plan Due: August 29, 2024**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**SPECIAL EDUCATION & CIVIL RIGHTS MONITORING REPORT**

**Plymouth 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, Plymouth 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** **Plymouth Public Schools**

The Massachusetts Department of Elementary and Secondary Education conducted a monitoring review in Plymouth Public Schools during the week of March 25, 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.
* Interviews of parent advisory council (PAC) representatives and other telephone interviews, as requested by other 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 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: 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.
* Observations of time-out rooms.

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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/school and the Department to focus their efforts on those areas requiring corrective action. Districts/schools 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. |

**Plymouth 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 9A, SE 10, SE 11, SE 12, SE 14, SE 17, SE 18A, SE 19, SE 20, SE 22, SE 25, SE 26, SE 29, SE 34, SE 35, SE 38, SE 39, SE 40, SE 41, SE 43, SE 48, SE 49 | CR 13, CR 14 | SE 44, SE 47 |
| **PARTIALLY**  **IMPLEMENTED** | SE 6, SE 7, SE 8, SE 9, SE 13, SE 37, SE 42 | CR 18 | CR 10C, SE 18B,  SE 45, SE 46,  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 |  |  |

The district submitted evidence of corrective action, including an additional data set, to address the noncompliance identified for Indicator 11. The submissions have been reviewed and approved by the Department; no further action is required.

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

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **SE 6** | Determination of transition services   1. The Team discusses the student's transition needs annually, beginning no later than when the student is 14 years old, and documents its discussion on the Transition Planning Form. 2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate. 3. Reserved 4. The Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the administrator of special education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services at least two years before the student's graduation or 22nd birthday, whichever occurs first, in accordance with the requirements of M.G.L. c. 71B, §§12A-12C (known as Chapter 688). 5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives. 6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed. | | | |
|  | State Requirements | | Federal Requirements | |
|  | M.G.L.c.71B, Sections 12A-C  603 CMR 28.05(4)(c) | | 34 CFR 300.320(b); 300.321(b);  300.322(b)(2); 300.324(c) | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and interviews indicated that the district does not always update Transition Planning Forms annually.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 7** | Transfer of parental rights at age of majority and student participation and consent at the age of majority   1. At least one year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old. 2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student with decision-making authority to continue the student's special education program. 3. The district continues to send the parent written notices and the parent will have the right to inspect the student's records, but the parent will no longer have decision-making authority, except as provided below:    1. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.    2. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.    3. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.07(5) | | 34 CFR 300. 320(c), 300.520 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and interviews indicated that the district does not always inform the parent and the student, one year prior to the student reaching age 18, of the special education decision-making rights that will transfer from the parent to the student upon attaining the age of majority.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **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 <http://www.doe.mass.edu/sped/spp/>.) | | 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:** |
| *A review of student records and interviews indicated that when a Team member does not attend the Team meeting, the district does not always follow the required procedures, including the following:*   * *Documenting, in writing, that the district and the parent agree 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, the district and the 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.*   *Additionally, when one purpose of the Team meeting is to discuss transition services, the district does not always invite, with the consent of the parent(s) or student who has reached the age of majority, a representative of the public agency likely to be responsible for providing or paying for the student's transition services.* |

| **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:** |
| *A review of student records and interviews indicated that the district does not always determine whether the student is eligible for special education and provide a proposed IEP and proposed placement to the parent within 45 school working days of receiving written parental consent to an initial evaluation or 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:** |
| *A review of student records and interviews indicated that when a student's eligibility terminates because the student has graduated or exceeded the age of eligibility, the summary of performance provided to the student does not always include a summary of the student's academic achievement and functional performance or recommendations on how to assist the student in meeting their postsecondary goals.* |

| **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:** |
| *A review of student records and interviews indicated that the district does not always issue the proposed IEP and proposed placement to the parent immediately following the development of the IEP.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 37** | Procedures for approved and unapproved out-of-district placements   1. Individual student program oversight: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district program. 2. Written contracts: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5), and specifically include a statement that the district shall not contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, gender identity or national origin, or that discriminates against qualified persons with disabilities. | | | |
|  | State Requirements | | Federal Requirements | |
|  | M.G.L. c. 76, s. 1  603 CMR 18.00; 28.02(14);  28.06(2)(f) and (3); 28.09  808 CMR 1.00 | | 34 CFR 300.2(c) | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and interviews indicated the district does not always monitor the provision of services to and the programs of individual students placed in out-of-district programs. Additionally, when monitoring does occur, the district does not always maintain documentation of monitoring plans and actual monitoring activities, including site visits, in the files of eligible students placed out-of-district.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 42** | Programs for young children three and four years of age  General requirements:   1. The school district ensures programs are available for eligible students three and four years of age. Such programs shall be developmentally appropriate and specially designed for students ages three and four years. 2. Where appropriate, the school district elects, consistent with federal requirements, to use the format and services of the Individualized Family Service Plan (IFSP), if appropriate, for an additional year as a means of transitioning eligible students to public school services. 3. Where appropriate the Team allows a student to remain in a program designed for three and four year old students for the duration of the school year in which the student turns five years old (including the summer following the date of the student's fifth birthday).   Types of Settings:   1. Inclusionary programs for young students are located in a setting that includes students with and without disabilities and meet the following standards:    1. Services in such programs are provided in the home, the public school, Head Start, or a licensed childcare setting.    2. For public school programs that integrate students with and without disabilities, the class size does not exceed 20 with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide. 2. Substantially separate programs for young students are located in a public school classroom or facility that serves primarily or solely students with disabilities. Substantially separate programs adhere to the following standards:    1. Substantially separate programs are programs in which more than 50% of the students have disabilities.    2. Substantially separate programs operated by the district limit class sizes to 9 students with 1 teacher and 1 aide. | | | |
|  | State Requirements | | Federal Requirements | |
|  | 603 CMR 28.06(7) | | 34 CFR 300.101(b);  300.124(b); 300.323(b) | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and interviews indicated that four instructional groupings for young children at the Plymouth Early Childhood Center do not meet the following requirements for appropriate student to staff ratios and class sizes:*  *Inclusionary programs:*   * *For public school programs that integrate students with and without disabilities, the class size does not exceed 20 students with 1 teacher and 1 aide and no more than 5 students with disabilities. If the number of students with disabilities is 6 or 7 then the class size does not exceed 15 students with 1 teacher and 1 aide.*   *Substantially separate programs:*   * *Substantially separate programs are programs in which more than 50% of the students have disabilities.* * *Substantially separate programs operated by the district limit class sizes to 9 students with 1 teacher and 1 aide.*   *Specifically, the groupings listed below are identified by the district as inclusion classes, however, more than 50% of students in each grouping are students with disabilities. Groupings in which students with disabilities make up more than 50% of enrollment are considered substantially separate and must align with requirements identified above.*  *1 AM Inclusion: 1 teacher: 3 aides: 7 students with disabilities: 6 general education peers*  *2 AM Inclusion: 1 teacher: 2 aides: 7 students with disabilities: 6 general education peers*  *3 PM Inclusion: 1 teacher: 2 aides: 7 students with disabilities: 5 general education peers*  *4 PM Inclusion: 1 teacher: 2 aides: 7 students with disabilities: 4 general education peers* |

| **CRITERION**  **NUMBER** |  | | | |
| --- | --- | --- | --- | --- |
|  | **Legal Standard** | | | |
| **SE 45** | Procedures for suspension up to 10 days and after 10 days   1. Any eligible student may be suspended up to 10 days in any school year without implementation of procedures described in criterion SE 46 below. 2. After a student with special needs has been suspended for 10 days in any school year, during any subsequent removal the public school provides sufficient services for the student to continue to receive a free and appropriate public education. 3. The school provides additional procedural safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year. | | | |
|  | State Requirements | | Federal Requirements | |
|  | M.G.L. c. 76, §§ 16-17 | | 34 CFR 300.530-300.537 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and interviews indicated that after an eligible student has been suspended for 10 days in any school year, during any subsequent removal the district does not always provide sufficient services for the student to continue to receive a free and appropriate public education.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| **SE 46** | Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district   1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement. 2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP-“a manifestation determination.” 3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:    1. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and    2. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur. 4. Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days    1. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or    2. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.   Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.   1. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise, or the hearing officer orders a new placement. 2. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise. | | | |
|  | State Requirements | | Federal Requirements | |
|  |  | | 34 CFR 300.530-537 | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of student records and interviews indicated that when district personnel, the parent, and other relevant members of the Team determine that the student's behavior is not a manifestation of the disability, the district does not consistently still offer:*   1. *services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress towards IEP goals; and* 2. *as appropriate, a functional behavioral assessment and behavioral intervention services and modifications to address the behavior so that it does not recur.*   *Furthermore, when a student with disabilities receives a suspension that results in a change of placement for a drug-related offense, the district holds a meeting to discuss the conduct but does not consider or determine if the behavior is a manifestation of their disability.* |

| **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:** |
| *Facilities observation at Federal Furnace Elementary school indicated that special education classrooms for grades K-5 are clustered in one location and do not maximize the inclusion of special education students into the life of the school.* |

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

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| CR 10C | Student Discipline  Each school committee and board of trustees shall ensure that policies and procedures are in place in public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L. c. 71, section 37H ¾, section 37H3/4(b) as amended, M.G.L. c. 76, section 21, and 603 CMR 53.00.  These policies and procedures must address or establish, but are not limited to:   1. District-wide or school-wide model to reengage students in learning; 2. Procedures for alternative remedies for each incident such as mediation, conflict resolution, restorative justice and collaborative problem solving; 3. Procedures for documenting the use and results of alternative remedies for each incident; 4. Procedures for documenting why an alternative remedy is unsuitable or counter-productive; 5. The notice of suspension and hearing; 6. Procedures for emergency removal; 7. Procedures for principal hearings for both short and long-term suspension; 8. Procedures for in-school suspension; 9. Procedures for superintendent hearing; 10. Procedures for education services and academic progress (School-wide Education Service Plan); 11. A system for periodic review of discipline data by special populations; 12. Alternatives to suspension. | | | |
|  | M.G.L. c. 71, section 37H ¾, M.G.L. c. 76, section 21, and 603 CMR 53.00, M.G.L. c. 71 section 38R and Chapter 77 of the Acts of 2013; MGL c. 71 s. 37H3/4 (b) An Act Addressing Barriers to Care for Mental Health. | | | |
|  | **Rating:** | **Partially Implemented** | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents, student records, and interviews indicated that when imposing an out of school suspension, the district does not always document specific reasons why alternative remedies were unsuitable or counterproductive. When a student is suspended for more than ten school days cumulatively for multiple disciplinary offenses in any school year, the district does not provide the student and the parent with a notice of their rights, including the right to appeal the suspension decision to the superintendent. Additionally, the district's notice of expulsion hearing inaccurately states that if the student is expelled, they may lose entitlement to a free public education.*  *Furthermore, on April 5, 2024, PRS issued a letter of finding setting forth that the district does not always follow the required discipline procedures, including the following:*   * *Issuing notice for a hearing for out-of-school suspension;* * *Providing student and parents with information on their procedural rights;* * *Conducting hearings for out-of-school suspension;* * *Provision of suspension notice; and* * *Providing the student an opportunity to make up assignments or make academic progress during the time of removal.*   *PRS received a corrective action plan (CAP) from the district on April 25, 2024, and continues to work with the district to verify correction of the noncompliance as of the issuance of the Final Report.* |

| **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 the Office of Language Acquisition (OLA), it was determined that the district does not consistently offer adequate and appropriate services for linguistic minority students. OLA issued an ELE 5 Program Placement and Structure finding in May 2024 indicating the following:*   * *English learners (ELs) do not demonstrate sufficient growth in English language acquisition;* * *The ELE program needs improvement to promote and support the rapid acquisition of English language proficiency by ELs;* * *The district lacks English as a Second Language (ESL) staffing to effectively implement its ELE program with fidelity; and* * *The district does not have an updated ESL curriculum aligned to Massachusetts standards.*   *Corrective action will be reviewed and approved 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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| WBMS Final Report | |
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| Last Revised on: | **7/31/2024** |
| Prepared by: | **JE, JK, AP** |