

**Webster Public Schools**

**SPECIAL EDUCATION & CIVIL RIGHTS**

**MONITORING REPORT**

**Office of Public School Monitoring**

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

**Dates of Onsite Visit:** **May 16-17, 2024**

**Date of Draft Report:** **September 16, 2024**

**Date of Final Report: September 30, 2024**

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

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

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**SPECIAL EDUCATION & CIVIL RIGHTS MONITORING REPORT**

**Webster 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, Webster 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 on-line through the Web-based Monitoring System (WBMS). Within 10 business days of receipt of the draft comments, the district 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,” “Implemented with Comments,” “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,” “Implemented with Comments,” “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 tr 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** **Webster Public Schools**

The Massachusetts Department of Elementary and Secondary Education conducted a monitoring review in Webster Public Schools during the week of May 13, 2024, to evaluate the implementation of Group B Universal Standards in the program areas of special education, civil rights, and other related general education requirements. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities, and to review the programs underway in the district.

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

**Self-Assessment Phase:**

* District review of special education and civil rights documentation for required elements including document uploads.
* District review of a sample of special education records for students who were suspended.
* Upon completion of the self-assessment, the district submitted the data to the Department for review.

**On-site Phase:**

* Interviews of administrative and instructional staff consistent with those criteria selected for onsite verification.
* Interview of a parent advisory council (PAC) representative 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 to determine whether procedural discipline requirements were met for students with disabilities.
* Observations of classrooms and other facilities: The onsite team visited a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

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| The 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 “Implemented with Comments,” "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 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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| **Implemented with Comment** | The requirement is substantially met in all important aspects based on Public School Monitoring review and a comment is included.  |
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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. |

**Webster Public Schools**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards Special Education** | **Universal Standards Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 15, SE 32, SE 35, SE 36, SE 50, SE 51, SE 52, SE 52A, SE 54, SE 55, SE 56 | CR 3, CR 7, CR 7A, CR 7B, CR 7C, CR 8, CR 12A, CR 16, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 | SE 44, SE 45, SE 46, SE 47 |
| **IMPLEMENTED****WITH****COMMENT** |  | CR 10B |  |
| **PARTIALLY****IMPLEMENTED** |  | CR 10A, CR 10C, CR 17A |  |
| **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>>.

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

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| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS**V. STUDENT SUPPORT SERVICES** |
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|  | **Legal Standard** |
| **CR 10A** | Student handbooks and codes of conduct1. 1. The district has a code of conduct for students and one for teachers.
	2. The principal of every school containing grades 9-12 prepares, in consultation with the school council, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the school council reviews and revises the student code of conduct every year.
	3. The principal of every school containing other grades distributes the district’s student code of conduct to students, parents, and personnel annually.
	4. At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language.
2. Student codes of conduct contain:
	1. procedures assuring due process in disciplinary proceedings and
	2. the district's responsibility to provide every student with an opportunity to make academic progress during the period of suspension whether in-school, out-of-school, or expulsion.
	3. appropriate procedures for the discipline of students with disabilities and students with Section 504 Accommodation Plans.
	4. if a charter school or a virtual school, the designation by the board of trustees as to who shall serve as the principal and who shall serve as superintendent for the purpose of 603 CMR 53.00.
3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain:
	1. a nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school's non-tolerance for harassment based on race, color, national origin, sex, gender identity, religion, or sexual orientation, or discrimination on those same bases;
	2. the school's procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and
	3. the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.
4. Student re-engagement procedures contain:
	1. Any principal, headmaster, superintendent, or person acting as a decision-maker at a student meeting or hearing, when deciding consequences for the student, shall consider ways to reengage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student’s continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school.
	2. Alternative remedies may include but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent, or person acting as a decision-maker shall also implement school- or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident..
 |
|  | Section 504; M.G.L. c. 71, § 37H; M.G.L. c. 71, § 37H ¾; 603 CMR 53.00; 603 CMR 26.08 as amended by Chapter 199 of the Acts of 2011; M.G.L. c.71, s.37H3/4(b), as amended. |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the district's code of conduct and student handbooks do not include all required procedures assuring due process in disciplinary proceedings. Please also see CR 10C.**In addition, the code of conduct and student handbooks do not contain a procedure for accepting, investigating, and resolving complaints alleging discrimination based on race, color, sex, gender identity, religion, national origin, or sexual orientation.* *The procedures for assuring due process in disciplinary proceedings for students with disabilities in the middle and high school handbooks do not include the following information:** *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 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; and*
* *No later than the date of the decision to take disciplinary action, the school district notifies the parents of the decision and provides them with the written notice of procedural safeguards.*

*Also, the middle school student handbook does not include procedures assuring due process in disciplinary proceedings for students not yet determined eligible for special education.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 10B | Bullying Intervention and Prevention1. Each school district, charter school, and collaborative school shall develop, adhere to and update, at least biennially, a plan to address bullying prevention and intervention. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals.
2. The plan shall recognize that certain students may be more vulnerable to bullying or harassment based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.
3. The plan shall include the specific steps that each school district, charter school, and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment.
4. The plan shall be posted on the website of each school district, charter school, or collaborative school.
5. School and district employee handbooks must contain relevant sections of the plan relating to the duties of faculty and staff and relevant sections addressing the bullying of students by a school staff member.
6. Each year all school districts and schools must give students and parents or guardians annual written notice of the student-related sections of the local plan.
7. Each year all school districts and schools must provide all staff with annual written notice of the plan.
8. All schools and school districts must implement, for all school staff, professional development that includes developmentally appropriate strategies to prevent bullying incidents; developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying.
 |
|  | M.G.L. c. 71, s. 37H and M.G.L. c. 71, s. 37O. |
|  | **Rating:** |  **Implemented with Comment** | **District Response Required:** | **No** |

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| **Department of Elementary and Secondary Education Findings:** |
| *During the monitoring review process, the Office of Public School Monitoring found no concerns with the district’s Bullying Prevention and Intervention Plan (Plan). In June 2024, the Department's Problem Resolution System (PRS) received a complaint regarding concerns related to bullying. PRS requested that the district prepare a Local Report in response to the complaint. Documentation requested in the Local Report included a copy of the district's current Plan. The complaint remains under review by PRS as of the issuance of this Draft Report.*  |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 10C | Student DisciplineEach 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 and staff interviews indicated the district does not ensure that policies and procedures are in place for all grade levels that meet, at a minimum, the requirements of M.G.L. c. 71, section 37H, M.G.L. c. 76, section 21, and 603 CMR 53.00.**Specifically, the procedures for in-school suspension do not include the principal's responsibility to do the following:** *Inform the student of the length of the suspension which may not exceed ten days, cumulatively or consecutively, in a school year, if the principal determines that the student committed the offense;*
* *Schedule the meeting with the parent/guardian for the day of the suspension or as soon as possible; and*
* *Document at least two attempts to reach the parent for the purpose of orally informing the parent.*

*The procedures for the principal's hearing for short-term suspensions do not include the principal's responsibility to do the following:** *Determine whether the student committed the disciplinary offense and if so, the remedy or consequence to be imposed, based on available information including mitigating circumstances; and*
* *Provide the student and parent with written notification of the determination, the reason for it, and if the student is suspended, the duration of the suspension and the opportunity to make up assignments and other schoolwork needed to make academic progress during the period of removal.*

*The procedures for the principal's hearing for long-term suspensions do not include the following due process rights for students and parents:** *The right to review the student's record and principal's documents in advance;*
* *The right to be represented by counsel or lay person at own expense;*
* *The right to produce witnesses and cross examine witnesses presented by the school; and*
* *The right to request an audio recording of the hearing, a copy of which shall be provided to the student and parent upon request (prior to the hearing, the district must inform all parties that an audio copy will be made of the hearing).*

*In addition, the procedures do not make clear that the content of the written determination for a long-term suspension must include:* * *The disciplinary offense, date, and hearing participants;*
* *Key facts and conclusions;*
* *Length and effective date of suspension and return to school;*
* *Opportunity for the student to receive education services during removal; and*
* *Student right to appeal to the superintendent.*

*The procedures for the superintendent's hearing do not include the following:* * *If the student 's or parent's notice of appeal is not timely, the superintendent may deny the appeal, or allow the appeal at his/her discretion;*
* *The superintendent's obligation to make a good faith effort to include the parent in the hearing and to send written notice to the parent of the date, time, and location of the hearing;*
* *The requirement to arrange for an audio recording of the hearing, a copy of which shall be provided to the student and the parent upon request; and*
* *The superintendent's responsibility to inform all parties before the hearing that an audio copy will be made of the hearing.*

*The procedures for emergency removal do not make clear that the principal may remove a student from school temporarily when the student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption.* *Also, a review of documents and student records indicated that although a written notice of suspension and hearing is consistently provided to parents, it is not consistently provided to the student as well.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| CR 17A | Use of physical restraint on any student enrolled in a publicly-funded education program1. Public education programs must develop and implement written restraint prevention and behavior support policy and procedures consistent with new regulations 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.
	1. restraint prevention and behavior support policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students.
	2. restraint prevention and behavior support policy and procedures shall include, but not be limited to: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents and youth in discussions about restraint prevention and use; a description and explanation of the program's alternatives to physical restraint and method of physical restraint in emergency situations; a statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.03; a description of the program's training requirements, reporting requirements, and follow-up procedures; a procedure for receiving and investigating complaints; a procedure for conducting periodic review of data and documentation on the program's use of restraint; a procedure for implementing the reporting requirements; a procedure for making both oral and written notification to the parent; and a procedure for the use of time-out.
2. Each principal or director shall determine a time and method to provide all program staff with training regarding the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.
3. At the beginning of each school year, the principal of each public education program or his/her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall have in-depth training on the use of physical restraint.
4. The program administers physical restraint on students only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint.
 |
|  | M.G.L. c. 71, § 37G; 603 CMR 46.00 effective January 1, 2016 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *A review of documents and staff interviews indicated that the district's physical restraint prevention and behavior support policy and procedures are inconsistent with 603 CMR 46.00.* *Specifically, the policy erroneously includes the provision of waivers for special circumstances and exceptions to the reporting requirements. Furthermore, the district has not developed procedures that include the following:* * *Methods for preventing student violence, self-injurious behavior, and suicide;*
* *Methods for engaging parents in discussions about restraint prevention and use;*
* *Method of physical restraint in emergency situations;*
* *A statement prohibiting medication restraint, mechanical restraint, and prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b);*
* *A description of the program's training requirements, reporting requirements, and follow-up procedures;*
* *A procedure for receiving and investigating complaints;*
* *Procedures for conducting periodic review of data and documentation on the program's use of restraint;*
* *A procedure for making both oral and written notification to the parent; and*
* *A procedure for the use of time-out.*
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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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| Prepared by: | **ABK/MM/AP** |