

**Libertas Academy Charter School**

**SPECIAL EDUCATION & CIVIL RIGHTS MONITORING**

**REPORT**

**Office of Public School Monitoring**

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

**Dates of Onsite Visit:** **February 28-29, 2024**

**Date of Draft Report:** **May 22, 2024**

**Date of Final Report: June 21, 2024**

**Action Plan Due: July 22, 2024**

**Department of Elementary and Secondary Education Onsite Chairperson:**

**Michelle Hennessy-Kowalchek**



Russell D. Johnston

Acting Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**SPECIAL EDUCATION & CIVIL RIGHTS MONITORING REPORT**

**Libertas Academy Charter School**

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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, Libertas Academy Charter School 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 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 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 the charter school on the development of an approvable CAP.

Department staff also provide ongoing technical assistance as the charter school 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** **Libertas Academy Charter School**

The Massachusetts Department of Elementary and Secondary Education conducted a monitoring review at Libertas Academy Charter School during the week of February 26, 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 charter school.

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

**Self-Assessment Phase:**

* Charter school review of special education and civil rights documentation for required elements including document uploads.
* Upon completion of the self-assessment, the charter school 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.
* 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 charter school’s implementation of special education programs, related services, and procedural requirements.
* Observations of classrooms and other facilities: The onsite team visited a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

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| The 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 Comment,” "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 charter school and the Department to focus their efforts on those areas requiring corrective action. Districts and charter 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. |
| **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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| **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. |

**Libertas Academy Charter School**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards Special Education** | **Universal Standards Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 15, SE 32, SE 35, SE 36, SE 50, SE 51, SE 52, SE 52A, SE 54, SE 55,  SE 56 | CR 3, CR 7, CR 7A, CR 7B, CR 8, CR 12A, CR 16, CR 17A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 |
| **IMPLEMENTED**  **WITH COMMENT** |  | CR 10A, CR 10B |
| **PARTIALLY**  **IMPLEMENTED** |  | CR 10C |
| **NOT**  **IMPLEMENTED** | None |  |
| **NOT**  **APPLICABLE** |  | CR 7C |

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** | |

| **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 conduct   1. 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:** | **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 procedures for receiving and investigating allegations of harassment or discrimination in the student handbooks. On November 6, 2023, the Department's Problem Resolution System (PRS) received a complaint alleging that the school failed to comply with certain regulatory obligations in response to allegations of discrimination and bullying. PRS requested that the school prepare a Local Report in response to the complaint, which has been received. The Local Report included a copy of the school's policy and procedures for receiving and investigating allegations of harassment or discrimination. The complaint remains under review by PRS as of the issuance of this Final Report. See CR 10B for additional information regarding this complaint.* |

| **CRITERION**  **NUMBER** |  | | | |
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|  | **Legal Standard** | | | |
| CR 10B | Bullying Intervention and Prevention   1. 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). On November 6, 2023, the Department’s Problem Resolution System (PRS) received a complaint alleging that the school failed to comply with certain regulatory obligations in response to allegations of discrimination and bullying. PRS requested that the school prepare a Local Report in response to the complaint, which has been received. In addition to the documentation provided in the Local Report, PRS will review the school's current Plan located on the school’s website. The complaint remains under review by PRS as of the issuance of this Final Report. See CR 10A for additional information regarding this complaint.* |

| **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 and staff interviews indicate the charter school has a data collection system that allows for disaggregation of student discipline data by gender, disability, and English language learner status. The charter school assesses the extent and impact of disciplinary actions, such as in-school suspensions, short and long-term suspensions, expulsions, and emergency removals, on these selected student populations. However, the charter school does not disaggregate discipline data by all required student populations including race, ethnicity, and socio-economic status.* |

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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: | **MHK/SKM/AP** |