

Brockton Public Schools

TIERED FOCUSED MONITORING REPORT

For Group B Universal Standards Tier Level 3

Dates of Onsite Visit: January 15-18, 2019 Date of Draft Report: April 12, 2019 Date of Final Report: May 17, 2019 Action Plan Due: June 17, 2019

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MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION TIERED FOCUSED MONITORING REPORT

Brockton Public Schools

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MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION TIERED FOCUSED MONITORING REPORT

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SCOPE OF TIERED FOCUSED MONITORING REVIEWS

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through Tiered Focused Monitoring (TFM). All reviews cover selected requirements in the following areas:

Special Education (SE)

 selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007.

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

- selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
- selected requirements from the Massachusetts Board of Education's Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Education's Student Learning Time regulations (603 CMR 27.00).
- · various requirements under other federal and state laws.

TIERED FOCUSED MONITORING ELEMENTS

Team:

Depending upon the size of a school district and the number of programs to be reviewed, a team of one to eight Department staff members conducts onsite activities over one to five days in a school district or charter school.

Timing:

Each school district and charter school in the Commonwealth is scheduled to receive a Tiered Focused Monitoring Review every three years. The statewide Tiered Focused Monitoring cycle is posted at << http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html?district=all>>.

Tier Level: Each district and charter school is assigned to one of four tier levels: Tier 1/Self-Directed Improvement; Tier 2/Directed Improvement; Tier 3/Corrective Action; and Tier 4/Cross-unit Support and Corrective Action. The Tiered Focused Monitoring process and subsequent technical assistance varies by monitoring tier. Each district/school is assigned to a monitoring tier based on the district/school's designated DESE Accountability Level along with risk factors, such as Problem Resolution System complaint data and Public School Monitoring report data. Districts/schools in Tiers 1 and 2 have been determined to have no or low risk. Districts/schools in Tiers 3 and 4 have demonstrated greater risk. Agency intervention, additional onsite monitoring, and provision of technical assistance varies based on district/school tier level, allowing the Department to direct resources to those districts requiring the most support.

- 1. Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes meets requirements.
- 2. Tier 2/Directed Improvement: No demonstrated risk in areas with close link to student outcomes low risk.
- 3. Tier 3/Corrective Action: Areas of concern include both compliance and student outcomes moderate risk.
- 4. Tier 4/Cross-unit Support and Corrective Action: Areas of concern have a profound effect on student outcomes and ongoing compliance high risk.

Process:

Each school district and charter school undergoes a Tiered Focused Monitoring Review every three years. Regularly monitored standards are divided into two groups, known as Group A Universal Standards and Group B Universal Standards. Districts and charter schools are monitored on an alternate set of Universal Standards every three years. 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.

Self-Assessment Phase:

 District review of special education and civil rights documentation for required elements including document uploads. Upon completion of this portion of the district's selfassessment, it is submitted to the Department for review.

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- Depending on which Universal Standard group the district is participating in and if there
 are additional Targeted Standards, the district may review a sample of special education
 student records selected across grade levels, disability categories and level of need.
- If the district is participating in a Group A Universal Standards Tiered Focused Monitoring Review, it will submit a review of student records related to the Indicator Data Collection for Indicators 11, 12 and 13 as part of the self-assessment. This Indicator data collection is also part of the State Performance Plan/Annual Performance Report.
- Upon completion of the self-assessment, the district submits the data to the Department for review.

On-site Verification Phase (dependent upon Group A or Group B Universal Standards):

- 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 student records for special education: The Department may select 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 will conduct this review, using standard Department procedures, to determine whether procedural and programmatic requirements have been met.
- Surveys of parents of students with disabilities: Parents of students with disabilities are sent a survey that solicits information regarding their experiences with the district's implementation of special education programs, related services, and procedural requirements.
- Observations of classrooms and other facilities: The onsite team may visit 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.
- Review of additional documents for special education or civil rights.

Report: For Tier 3 & 4 Tiered Focused Monitoring Reviews

At the end of the onsite visit, the onsite team holds an informal exit meeting to summarize its comments for the superintendent and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson forwards to the superintendent a Draft Report containing comments from the Tiered Focused Monitoring Review. The Draft Report comments for special education and civil rights are provided to the district on-line through the Web-based Monitoring System (WBMS). Within10 business days of receipt of the Draft Report, the district reviews and comments on the report for factual accuracy before the publication of a Final Report with ratings and findings (see below). The Tiered Focused Monitoring Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department's website at http://www.doe.mass.edu/pga/review/cpr/reports/.

Content of Final Report:

Ratings. In the Final 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."

Findings. The onsite team includes a finding in the Final Report for each criterion that it rates "Commendable," "Partially Implemented," "Not Implemented," or "Implementation in Progress," explaining the basis for the rating.

Indicator Data. In the Final Report for a district or charter school undergoing a review for Group A Universal Standards, the onsite team includes the results of the review of Indicator data submissions for Indicators 11, 12 and 13. 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.

Response: Where criteria are found "Partially Implemented" or "Not Implemented," the district or charter school must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan (CAP) will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department's review and approval. Department staff will offer districts and charter schools technical assistance on the content and requirements for developing an approvable CAP.

> Department staff will also provide ongoing technical assistance as the school or district is implementing the approved corrective action plan. School districts 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 Tiered Focused Monitoring Report.

INTRODUCTION TO THE FINAL REPORT

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review in Brockton Public Schools during the week of January 14, 2019 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.

The Department is submitting the following Tiered Focused Monitoring Report containing findings made pursuant to this onsite visit. 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:

Interviews of:

- Administrative staff
- Teaching and support services staff
- Special education parent advisory council representatives
- Persons from the general public

Surveys:

Parents of students with disabilities

Observations of classrooms and other facilities

The report includes findings in the program areas reviewed based on the assigned Universal Standard group for this review. These standards are:

Group B Universal Standards:

- Licensure and professional development
- Parent/student/community engagement
- Facilities and classroom observations
- Oversight
- Time and learning
- Equal access

The Tiered Focused Monitoring Report includes those criteria that were found by the team to be implemented in a "Commendable" manner, as well as criteria receiving a rating of "Partially Implemented," "Not Implemented," and "Implementation in Progress." (Refer to the "Definition of Compliance Ratings" section of the report.) The Tiered Focused Monitoring Reports do not include criteria receiving a rating of "Implemented" or "Not Applicable." This will allow the district/school and the Department to focus their efforts on those areas requiring corrective action. Districts are expected to incorporate the corrective actions into their district and school improvement plans, including their professional development plans.

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DEFINITION OF COMPLIANCE RATINGS

Commendable Any requirement or aspect of a requirement

implemented in an exemplary manner significantly beyond the requirements of law or regulation.

ImplementedThe requirement is substantially met in all important

aspects.

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.

Partially Implemented The requirement, in one or several important aspects, is

not entirely met.

Not ImplementedThe requirement is totally or substantially not met.

Not Applicable The requirement does not apply to the school district or

charter school.

Brockton Public Schools

SUMMARY OF COMPLIANCE CRITERIA RATINGS

	Universal Standards Special Education	Universal Standards Civil Rights and Other General Education Requirements
IMPLEMENTED	SE 15, SE 32, SE 36, SE 50, SE 52A, SE 56	CR 7, CR 7A, CR 7B, CR 7C, CR 10A, CR 10B, CR 10C, CR 12A, CR 17A, CR 20, CR 21, CR 22, CR 23
PARTIALLY IMPLEMENTED	SE 51, SE 52, SE 54, SE 55	CR 3, CR 16, CR 24, CR 25
NOT IMPLEMENTED		

The review instruments, that include the regulatory requirements specific to the special education and civil rights criteria referenced in the above table, can be found at www.doe.mass.edu/pqa/review/.

SPECIAL EDUCATION

LEGAL STANDARDS, COMPLIANCE RATINGS AND FINDINGS

CRITERION NUMBER		
	Legal Standard	
SE 51	Appropriate special education teacher	
SE SI	Except at Commonwealth charter schools, individuals who design and/or provide direct special education services described in IEPs are appropriately licensed.	
	consult with or provide direct supervision delivering specialized instruction. This is "Qualified" teachers must hold a valid lice	mmonwealth charter schools must use d instruction or have a "qualified" teacher for someone who is not qualified but is an IDEA requirement.
	State Requirements	Federal Requirements
	M.G.L. c. 71, s. 38G; s. 89(qq);	34 CFR 300.156
	603 CMR 1.07; 7.00; 28.02(3)	IDEA § 34 CFR 300.156(a)
	Rating: Partially Implemented	District Response Required: Yes

A review of teacher licensure indicated that four (4) individuals at the Huntington Therapeutic Day School who design and provide direct special education services described in IEPs are not appropriately licensed; specifically, these individuals provide instruction to special education students in a single content area but do not have certification in that subject.

CRITERION NUMBER			
	Legal Standard		
SE 52	Appropriate certifications/licenses or other credentials related service providers Any person, including non-educational personnel, who provides related services described under federal special education law, who supervises paraprofessionals in the provision of related services, or who provides support services directly to the general or special classroom teacher is appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.		
	State Requirements	Federal Requirements	
	603 CMR 28.02(3),(18)	34 CFR 300.34; 300.156(b)	
	Rating: Partially Implemented	District Response Required: Yes	

A review of documents and staff interviews indicated that eight (8) individuals who provide direct therapeutic services for special education students are not appropriately certified, licensed, board-registered or otherwise approved to provide such services by the relevant professional standards board or agency for the profession.

CRITERION NUMBER		
	Legal Standard	
SE 54	for professional and paraprofessional 2. The district ensures that all staff, inclued education staff, are trained on: a. state and federal special education education policies and procedures b. analyzing and accommodating divided to achieve an objective of inclusion students with diverse learning stypes. c. methods of collaboration among the assistants to accommodate diverse general education classroom; 3. The district provides in-service training transportation providers, before they be student receiving special transportation.	verse learning styles of all students in order on in the general education classroom of eles; eachers, paraprofessionals and teacher elearning styles of all students in the elearning styles of all students
	State Requirements	Federal Requirements
	M.G.L. c. 71, §§ 38G, 38Q and 38Q ½ 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

A review of documents and staff interviews indicated that although the district provides optional training opportunities on special education laws, regulations, and local policies and procedures, the district does not ensure that general education and special education teachers receive this required training. In addition, document review and staff interviews indicated that special education and general education teachers, teaching assistants, and paraprofessionals do not always receive training on methods of collaboration to accommodate diverse learning styles of all students in the general education classroom.

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES		
	Legal Standard		
SE 55	 education facilities and classrooms; are given the same priority as general instructional and other space in publiseparation or stigmatization of eligible. 	d classrooms for eligible students that ents into the life of the school; lement fully each student's IEP; ects to the average standards of general al education programs in the allocation of ic schools in order to minimize the ble 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	

Facility observations, a review of documents, and staff interviews indicated the following:

The location of substantially separate classrooms at the Downey and Angelo Elementary Schools do not minimize the separation or stigmatization of eligible students or maximize the inclusion of these students into the life of the school. At the Downey Elementary School, the school's instructional layout is by grade-level clusters with four open-air classrooms per grade. All substantially separate classrooms are located outside of these grade clusters. One K-1st grade and two 3rd-5th grade life skills classrooms are clustered together adjacent to the main entrance of the school, away from same-age peers. Another 3rd-5th grade life skills class is located next to kindergarten and grade 2 general education classrooms, away from same-age peers. Similarly, two therapeutic classrooms are located at opposite ends of the same hallway on a different floor from same-age peers.

At the Angelo Elementary School, two 3^{rd} - 5^{th} grade autism classrooms are situated in a hallway surrounded by non-instructional spaces and are separate from same-age peers. Also at the Angelo Elementary School, the 1^{st} - 2^{nd} grade substantially separate autism classroom is located in a hallway with kindergarten classrooms.

At the Barrett Russell Early Childhood Center, special education facilities are not at least equal in all physical respects to the average standards of general education facilities and classrooms. Specifically, speech and language, occupational and physical therapy, and adaptive physical education services are delivered to students in corridors. In addition, a teacher of deaf students provides special education services to students in a cubby located in the teacher workroom.

At the Brockton Champion High School, the substantially separate classroom supporting students with emotional disabilities and a general education English classroom are located in two rooms that are separated by a partial wall, which creates significant auditory distractions.

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 II. STUDENT IDENTIFICATION AND PLACEMENT
	Legal Standard
CR 3	 Access to a full range of education programs All students, regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness, have equal access to the general education program and the full range of any occupational/vocational education programs offered by the district. The district does not segregate English learners (ELs) from their English-speaking peers, except where programmatically necessary, to implement an ELE program. The district also ensures that ELs participate fully with their English-speaking peers and are provided support in non-core academic courses. The district provides access to the full range of academic opportunities and supports afforded non-ELs, such as special education services, Section 504 Accommodation Plans, Title I services, career and technical education, and the supports outlined in the district's curriculum accommodation plan.
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 2004: 20 U.S.C. 1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03 as amended by Chapter 199 of the Acts of 2011
	Rating: Partially Implemented District Response Required: Yes

A review of documents and staff interviews indicated that high school students attending the alternative programs at Champion High School and Fredrick Douglass Academy begin school forty minutes later than other district high school students. Because the school day ends later for these alternative schools, the students do not have equal access to extracurricular clubs and activities available to Brockton High School and Huntington Alternative School students.

A review of documents and staff interviews also indicated that students in substantially separate placements at the Angelo Elementary and the Downey Elementary Schools do not have the opportunity to participate in non-academic and specials programming with their general education peers.

CRITERION NUMBER	
	Legal Standard
CR 16	Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion 1. No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school where the student last attended has sent notice within five days from the student's tenth consecutive absence to the student and the parent/guardian of the student in

CRITERION NUMBER		
	Legal Sta	andard
	English and the primary language of the practicable). The notice shall offer at le interview between the superintendent (or parent/guardian to occur prior to the stu notice shall include contact information indicate that the parties shall agree to a that the interview shall occur within 10 for the exit interview may be extended a for no longer than 14 days. The superint the exit interview without a parent/guar makes a good faith effort to include the 2. The exit interview shall be for the purpostudent permanently leaving school and programs and services available to the shall convene a team of school personne counselor, teachers, attendance officer a participate in the exit interview with the the exit interview, the student shall be geffects of early withdrawal from school diploma and a list of alternative educati student.	e parent or guardian (to the extent east two dates and times for an exit or designee) and the student and the ident permanently leaving school. The infor scheduling the exit interview and date and time for the exit interview and days of the notice. The time and the date at the request of the parent/guardian but intendent or designee may proceed with idian if the superintendent or designee parent/guardian. The superintendent or designee is parent/guardian. The superintendent (or designee el, such as the principal, guidance and other relevant school staff, to estudent and the parent/guardian. During given information about the detrimental state the benefits of earning a high school in program and services available to the chool grades sends annual written notice to detheir competency determination and sool for publicly funded post-high school those programs. I written notice by first class mail to the two attended a high school in the crit to the Department the number of the have permanently left school, the
	Rating: Partially Implemented	District Response Required: Yes

Although the district has procedures and outreach notices in place, a review of documents and student attendance records indicated the district does not consistently send the initial notice to students or parents within five days from the student's tenth consecutive absence. This delays or prevents the exit interview between the superintendent (or designee), the student, and the parent/guardian to discuss the reasons for the student permanently leaving school and to consider alternative education programs and services available to the student.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION		
Legal Standard			
CR 24 Curriculum review The district ensures that individual teachers in the district review all educated materials for simplistic and demeaning generalizations, lacking intellect the basis of race, color, sex, gender identity, religion, national origin an orientation. Appropriate activities, discussions and/or supplementary mused to provide balance and context for any such stereotypes depicted i materials.		generalizations, lacking intellectual merit, on tity, religion, national origin and sexual ssions and/or supplementary materials are any such stereotypes depicted in such	
ų.	M.G.L. c. 76, § 5; 603 CMR 26.05(2) as amended by Chapter 199 of the Acts 2011		
	Rating: Partially Implemented	District Response Required: Yes	

A review of documents and staff interviews indicated that individual teachers do not review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation.

CRITERION NUMBER			
	Legal Standard		
CR 25	Institutional self-evaluation		
	The district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. It makes such changes as are indicated by the evaluation.		
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.07(1),(4) as amended by Chapter 199 of the Acts of 2011		
		sponse Required: Yes	

Department of Elementary and Secondary Education Findings:

A review of documents indicated that the district does not evaluate all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities.

This Tiered Focused Monitoring Final Report is also available at:

http://www.doe.mass.edu/pqa/review/cpr/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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