|  |
| --- |
| ESE Logo  **Tiered Focused Monitoring Report**  **for Group A Universal Standards**  **Special Education and Civil Rights**  **District: Newton Public Schools**  **Onsite Dates: April 29 & 30, 2019**  **Tier Level: 1**  State Seal of Massachusetts |
| Jeffrey C. Riley  Commissioner of Elementary and Secondary Education |

During the 2018-2019 school year, Newton Public Schools participated in a Tiered Focused Monitoring Review conducted by the Department’s Office of Public School Monitoring. The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

Districts and charter schools are reviewed every three years through Tiered Focused Monitoring. This review process emphasizes elements most tied to student outcomes, and alternates the focus of each review on either Group A Universal Standards or Group B Universal Standards.

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

In addition, the Department has reserved a specific set of criteria, collectively known as Targeted Standards, employed when LEA or school-level risk assessment data indicate that there is a potential issue. 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-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 allows for differentiated monitoring based on a district/charter school’s level of need, the Tiers are defined as follows:

LEAs in Tiers 1 and 2 have been determined to have no or low risk:

* Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements.
* Tier 2/Directed Improvement: No demonstrated risk in areas with close link to student

outcomes – low risk.

LEAs in Tiers 3 and 4 have demonstrated greater risk:

* Tier 3/Corrective Action: Areas of concern include both compliance and student

outcomes – moderate risk.

* Tier 4/Cross-unit Support and Corrective Action: Areas of concern have profound effect on student outcomes and ongoing compliance – high risk.

The phases of Tiered Focused Monitoring for Newton Public Schools included:

Self-Assessment Phase:

* The district reviewed special education and civil rights documentation for required elements including document uploads.
* The district reviewed a sample of special education student records selected across grade levels, disability categories and levels of need.
* Upon completion of these two internal reviews, the district’s self-assessment was submitted to the Department for review.

On-site Verification Phase:

* 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 are being met.
* Review of additional documents for special education or civil rights.
* Surveys of parents of students with disabilities: Parents of students with disabilities were sent a survey to solicit information regarding their experiences with the district’s implementation of special education programs, related services, and procedural requirements.
* Interviews of 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.
* Observations of classrooms and other facilities: The onsite team visited a sample of classrooms and school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

**Report: For Tier 1 & 2 Tiered Focused Monitoring Reviews**

Following the onsite visit, the onsite team holds an informal exit meeting to summarize its comments for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the onsite chairperson forwards to the superintendent or charter school leader the findings from the Tiered Focused Monitoring Review. All districts/charter schools in Tiers 1 and 2, as part of the reporting process, then develop a Continuous Improvement and Monitoring Plan (CIMP) for any criteria receiving a rating of "Partially Implemented," "Not Implemented," and “Implementation in Progress.” The CIMP outlines an action plan, identifies the success metric, describes the measurement mechanism and provides a completion timeframe to bring those areas into compliance with the controlling statute or regulation. Districts and charter schools are expected to incorporate the CIMP actions into their district and school improvement plans, including their professional development plans.

**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 onsite team reviewed the results 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.

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

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

# **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. |
|  |  |
| **Implemented** | The requirement is substantially met in all important aspects. |
|  |  |
| **Implementation in Progress** | This rating is used for criteria containing new or updated legal requirements and means that 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 Implemented** | The requirement is totally or substantially not met. |
| **Not Applicable** | The requirement does not apply to the school district or charter school. |

**Newton Public Schools**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |
| --- | --- | --- |
|  | **Universal Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3, SE 3A, SE 6, SE 8, SE 9, SE 9A,  SE 10, SE 11,  SE 12, SE 13,  SE 14, SE 17,  SE 18A, SE 19,  SE 20, SE 22,  SE 25, SE 26,  SE 29, SE 34,  SE 37, SE 38,  SE 39, SE 40,  SE 41, SE 42,  SE 43, SE 48,  SE 49 | CR 13, CR 14, CR 18 |
| **PARTIALLY**  **IMPLEMENTED** | SE 7 |  |
| **NOT IMPLEMENTED** |  |  |

The review instruments, that include the regulatory requirements specific to the special education and civil rights criteria referenced in the table above, can be found at [www.doe.mass.edu/psm/resources/default.html](http://www.doe.mass.edu/psm/resources/default.html).

| **Improvement Area** **1** |
| --- |
| **Criterion:** SE 7 - Transfer of parental rights at age of majority and student participation and consent at the age of majority |
| **Rating:** Partially Implemented |
|  |
| **Description of Current Issue:** A review of student records indicated that the district does not consistently inform students and parents, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. Record review also indicated that upon the student reaching age 18, the district does not consistently obtain consent from the adult student with sole or shared decision-making authority to continue his or her special education program. |
| **LEA Outcome:** Newton Public Schools will ensure that the district consistently informs students and parents, at least one year prior to the student reaching the age of 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. Newton Public Schools will also ensure that, by the student's 18th birthday, the district obtains consent from the adult student with sole or shared decision-making authority to continue his or her special education program. |
| **Action Plan:** By September 12, 2019, Newton Public Schools will have completed an online training for all secondary special education staff that explains age-of-majority regulations and procedures. The district will also update its age-of-majority form to reflect the requirement to obtain consent from the adult student with sole or shared decision-making authority to continue his or her special education program. The district will also send a notification to all students and parents upon the student’s 16th birthday notifying them of the age-of-majority process. Age-of-majority discussions will be documented in the respective IEPs of all students at least one year prior to the student reaching age 18.  By September 12, 2019, Newton Public Schools will ensure that all secondary special education staff have completed the online training, are using the new required age-of-majority form, and are documenting that parents and students are informed at least one year prior to the student reaching age 18 of the transfer of decision-making rights upon the student's 18th birthday.  By September 12, 2019, Newton Public Schools will provide evidence that the students identified during the onsite review have chosen whether to exercise sole decision-making, share, or delegate decision-making. The district will provide, as applicable, the documentation of each student's choice and/or the IEP signature page showing the student’s signature.  By December 11, 2019, Newton Public Schools will conduct a review of student records to ensure that all age-of-majority processes and paperwork are properly completed and that the district has obtained consent from the adult student with sole or shared decision-making authority to continue his or her special education program.  This review will include twelve randomly selected records for current students who have turned 17, specifically five records from Newton North High School, five from Newton South High School, and two from Newton Central High School.  This review will also include twelve randomly selected records for current students who are 18+, specifically five records from Newton North High School, five from Newton South High School, and two from Newton Central High School. |
| **Success Metric:** By the end of the 2019-2020 school year, 100% of current applicable Newton Public Schools’ IEPs will demonstrate that the district consistently informs students and parents, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. By the end of the 2019-2020 school year, 100% of Newton Public Schools students on IEPs, age 18 and over, will have the correct age-of-majority forms completed, signed, and placed in their student record. Depending on the student's choice, 100% of Newton Public Schools' IEPs will appropriately include the adult student's consent.  Evidence:   * Training materials and revised age-of-majority form * Participant list demonstrating which staff have completed the training * Age-of-majority documentation and signature page from current IEPs for identified students * The district-created compliance checklist documenting the internal record review |
| **Measurement Mechanism:** Continuing after the completion deadline:  Ongoing compliance and monitoring will be accomplished through 1) annual online training for all secondary special education staff and collection of names of training participants; and 2) semi-annual record reviews of twelve randomly selected records for current students, specifically five records from Newton North High School, five from Newton South High School, and two from Newton Central High School. |
| **Completion Timeframe:** 12/11/2019 |
|  |