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| ESE Logo**Tiered Focused Monitoring Report****for Group A Universal Standards****Special Education and Civil Rights****District: New Heights Charter School of Brockton****Onsite Dates: April 25 & 26, 2019****Tier Level: 1**State Seal of Massachusetts |
| Jeffrey C. RileyCommissioner of Elementary and Secondary Education |

During the 2018-2019 school year, New Heights Charter School of Brockton 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 New Heights Charter School of Brockton included:

Self-Assessment Phase:

* Charter school reviewed special education and civil rights documentation for required elements including document uploads.
* Charter school reviewed a sample of special education student records selected across grade levels, disability categories and levels of need.
* Upon completion of these internal reviews, the charter school’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 charter school 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 charter school’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.

**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:

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

# **DEFINITION OF COMPLIANCE RATINGS**

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| **Commendable** | Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation. |
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| **Implemented** | The requirement is substantially met in all important aspects. |
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| **Implementation in Progress** | This rating is used for criteria containing new or updated legal requirements 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. |
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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. |
| **Not Applicable**  | The requirement does not apply to the school district or charter school. |

**New Heights Charter School of Brockton**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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

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 <http://www.doe.mass.edu/psm/tfm/default.html>.

| **Improvement Area** **1** |
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| **Criterion:** SE 2 - Required and optional assessments |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records indicated that the charter school does not consistently complete required educational assessments, including a history of the student's educational progress in the general curriculum and teacher assessments that address attention skills, participation behaviors, communication skills, memory and social relations with groups, peers and adults. |
| **LEA Outcome:** New Heights Charter School will ensure the completion of all required assessments for every evaluation, specifically a history of the student's educational progress in the general curriculum and a teacher's assessment of the student's attention skills, participation behaviors, communication skills, memory and social relations with groups, peers and adults (Educational Assessments A and B). |
| **Action Plan:** In August 2019, all special education teachers were notified that all initial and reevaluations must include a history of the student's educational progress in the general curriculum and teacher assessments that address attention skills, participation behaviors, communication skills, memory and social relations with groups, peers and adults (Educational Assessments A and B). All new and returning staff were trained on these requirements, as well. By December 11, 2019, New Heights Charter School will complete the consented-to assessments for the three students whose records were identified to be missing the Educational Assessments A and B during the Tiered Focused Monitoring Review (the fourth student no longer attends New Heights). New Heights will submit the signed consents to evaluate, a copy of the completed assessments and signed meeting attendance sheets for the identified students with its December 11, 2019 progress update. By February 8, 2020, the Director of Student Services will provide a refresher training to all staff members on required evaluations that must be completed during all initial and reevaluations. Written notification and a reminder will be sent to all special education case managers. By February 2020, the Director of Student Services and Lead Special Education Teacher will implement quarterly internal monitoring to ensure that all required assessments are completed for every evaluation. The documentation and any follow up from this audit will be recorded. |
| **Success Metric:** By May 2020, 100% of New Height's required assessments will be completed for every evaluation.Evidence:\*Agenda from August 27, 2019 Special Education Department meeting \*Sign-in sheet from August 30, 2019 Special Education Law and Requirements training \*Signed consents to evaluate, copies of completed assessments (Educational Assessments A and B) and signed meeting attendance sheets for the three identified students\*Sign-in sheet for February 2020 refresher training\*Written notification to special education case managers\*Results of internal record review |
| **Measurement Mechanism:** Quarterly, the Director of Student Services and Lead Special Education Teacher will implement internal monitoring audits to ensure that all required assessments are completed for every evaluation. Training will be provided to any new staff members and will continue to be provided annually at the beginning of each school year. |
| **Completion Timeframe:** 02/08/2020 |
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