

**Phoenix Charter Academy Chelsea**

**Tiered Focused Monitoring Report**

**For** **Group A Universal Standards**

**Tier Level** **2**

**Dates of Onsite Visit:** **February 3-5, 2020**

**Date of Final Report:** **June 1, 2020**



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Commissioner of Elementary and Secondary Education

During the 2019-2020 school year, Phoenix Charter Academy Chelsea 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 Phoenix Charter Academy Chelsea included:

Self-Assessment Phase:

* The school reviewed special education and civil rights documentation for required elements including document uploads.
* The school 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 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 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 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. |

**Phoenix Charter Academy Chelsea**

**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 2, SE 3, SE 3A, SE 6, SE 8, SE 9, SE 9A, SE 10, SE 11, SE 12,  SE 13, SE 14, SE 18A, SE 19, SE 22, SE 25,  SE 26, SE 29, SE 34,  SE 35, SE 40, SE 43,  SE 48, SE 49 | CR 13, CR 14, CR 18 |
| **PARTIALLY**  **IMPLEMENTED** | SE 7, SE 20, SE 41 |  |
| **NOT IMPLEMENTED** |  |  |
| **NOT APPLICABLE** | SE 17, SE 37, SE 38,  SE 39, SE 42 |  |

The Tiered Focused Monitoring Toolkit, which includes 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/resources/default.html>.

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| **Improvement Area** **1** |
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| **Criterion:** SE 7 - Transfer of parental rights at age of majority and student participation and consent at the age of majority |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records indicated that the charter school 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 the charter school does not consistently obtain consent from the adult student with shared or sole decision-making authority to continue her or his special education program. |
| **LEA Outcome:** Phoenix Charter School-Chelsea will ensure that all students are informed, at least one year prior to the student reaching age 18, of the educational decision-making rights that will transfer from the parent to the student upon the student's 18th birthday.  Phoenix Charter School-Chelsea will immediately obtain consent from adult students with sole or shared decision-making authority to continue their special education program upon reaching age 18. |
| **Action Plan:** By August 3, 2020, the Network Director will review all current IEP files to determine if any applicable students and their parents have not been informed of the transfer of parental rights upon the student reaching age 18 or if IEPs of adult students do not have the student's consent. The Network Director will address and document any non-compliance found during this file review.  By August 3, 2020, Phoenix Charter Academy-Chelsea will develop written procedures outlining staff responsibilities pertaining to the transfer of all rights accorded to parents under special education law to the 18-year-old student, including: 1) informing students and parents, at least one year prior to the student reaching age 18, of this transfer of rights; and 2) obtaining consent from the adult student with decision-making authority to continue her or his special education program.  By August 24, 2020, Phoenix Charter Academy-Chelsea will conduct a training with the Academic Support teachers on procedures for informing students and parents of the transfer of parental rights upon the student's 18th birthday. The school will also train its Academic Support teachers on procedures for obtaining consent from the adult student with sole or shared decision-making authority.  By November 16, 2020, the Network Director will conduct a record review to determine whether students and parents are consistently informed of the transfer of parental rights upon the student's 18th birthday and whether consent was obtained from adult students with sole or shared decision-making rights. |
| **Success Metric:** Beginning with the 2020-2021 school year, 100% of Phoenix Charter Academy-Chelsea students with disabilities and their parents will be informed, at least one year prior to the student reaching age 18, of the transfer of educational decision-making rights upon the student's 18th birthday. Additionally, 100% of Phoenix Charter Academy-Chelsea adult students with sole or shared decision-making will have consented to her or his special education program upon reaching age 18.  Evidence:  \*Written age of majority procedures  \*Signed staff attendance sheet, agenda, and training materials  \*Results of the November 2020 record review (number of records reviewed, number of records in compliance, explanation of the root cause for any continued non-compliance)  \*Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after the completion deadline:  The Network Director will review at least five (5) student records every term to ensure that students with disabilities and their parents are informed of the rights that will transfer from the parent to the student upon the student's 18th birthday and that consent is obtained from adult students with sole or shared decision-making rights to continue her or his special education program. |
| **Completion Timeframe:** 11/16/2020 |
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| **Improvement Area 2** |
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| **Criterion:** SE 20 - Least restrictive program selected |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that the charter school does not consistently state why removal from the general education classroom is considered critical to the student's program and the basis for its conclusion that education in the least restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. |
| **LEA Outcome:** Phoenix Charter School-Chelsea will ensure that 100% of IEPs consistently state why the student's removal from the general education classroom is considered critical and why the education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. |
| **Action Plan:** By August 24, 2020, the Network Director will conduct a training with the Academic Support teachers on how to write complete and comprehensive non-participation justification statements that consistently state why removal from the general education classroom is considered critical to the student's program.  By November 16, 2020, the Network Director will conduct a review of IEPs developed, subsequent to staff training, to ensure non-participation justification statements consistently state why removal from the general education classroom is considered critical to the student's program. The internal review of findings will be communicated to the staff and additional training will be provided as appropriate. |
| **Success Metric:** Beginning with the 2020-2021 school year, 100% of Phoenix Charter Academy-Chelsea IEPs developed for students who are removed from the general education classrooms will include a complete and comprehensive non-participation justification statement that states why the student's removal is critical and why the education of the student in a less restrictive environment, even with the use of supplementary aids and services, could not be achieved satisfactorily.  Evidence:  \*Signed staff attendance sheet, agenda, and training materials  \*Revised Team meeting summary form that includes specific non-participation justification statements  \*Results of the November 2020 record review (number of records reviewed, number of records in compliance, explanation of the root cause for any continued non-compliance)  \*Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after the completion deadline:  The Network Director will review at least five (5) student records every term to ensure that the non-participation justification statements are complete and comprehensive, appropriately justifying a student's removal from the general education environment. |
| **Completion Timeframe:** 11/16/2020 |
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| **Improvement Area 3** |
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| **Criterion:** SE 41 - Age span requirements |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and staff interviews indicated that the ages of the youngest and oldest students in one period of the academic support study skills class differ by more than 48 months. At the time of the onsite visit, a written request for approval of a wider age range had not been submitted to the Department. |
| **LEA Outcome:** Phoenix Charter Academy-Chelsea will ensure that 100% of special education classes and periods meet the age span requirements of no more than 48 months between the ages of the youngest and oldest students or a waiver is approved by DESE for a wider age range for that class/period. |
| **Action Plan:** By November 16, 2020, Phoenix Charter Academy-Chelsea will submit its review of the academic support study skills class to ensure that each period meets the age span requirements of no more than 48 months between the ages of the youngest and oldest students.  Phoenix Charter Academy-Chelsea will follow up as needed to address any non-compliance, which could include creating another instructional grouping or submitting a waiver to DESE to increase the age span requirement for the identified section of academic support study skills. |
| **Success Metric:** Beginning with the 2020-2021 school year, 100% of Phoenix Charter Academy-Chelsea's special education courses and periods will meet the required student age span or a waiver will be submitted requesting an increase in the students' age range.  Evidence:  \*Submission of the 2020-2021 Instructional Grouping and Age Span Spreadsheet for each period of the academic support study skills class  \*Follow-up on any non-compliance noted |
| **Measurement Mechanism:** Continuing after completion date:  At the beginning of each school year and periodically throughout the year, the Network Director will review each period of its special education classes to ensure that each period meets the age span requirements of no more than 48 months between the ages of the youngest and oldest students. The Network Director will address any identified non-compliance found by rescheduling students or submitting an age span waiver to the Department. |
| **Completion Timeframe:** 11/16/2020 |
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