

**Somerset Berkley Regional School District**

**Tiered Focused Monitoring Report**

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

**Tier Level** **2**

**Dates of Onsite Visit:** **November 14 & 15, 2019**

**Date of Final Report: February 10, 2020**



Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

During the 2019-2020 school year, Somerset Berkley Regional School District 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 Somerset Berkley Regional School District included:

Self-Assessment Phase:

* District reviewed special education and civil rights documentation for required elements, including document uploads.
* 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.
* Interview of parent advisory council (PAC) representative.
* 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.

# **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. |

**Somerset Berkley Regional School District**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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|  | **Universal Standards** **Special Education** | **Universal Standards** **Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 15, SE 32, SE 35, SE 36, SE 50, SE 51, SE 52, SE 52A, SE 54, SE 56 | CR 3, CR 7, CR 7A, CR 7B, CR 7C, CR 10A, CR 10B, CR 12A, CR 16, CR 20, CR 21, CR 22, CR 24, CR 25 | SE 44, SE 45, SE 47 |
| **PARTIALLY****IMPLEMENTED** | SE 55 | CR 10C, CR 17A, CR 23 | SE 46 |
| **NOT IMPLEMENTED** |  |  |  |

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>.

| **Improvement Area** **1** |
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| **Criterion:** SE 46 - Procedures for suspension of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review indicated that the district's manifestation determination policy is not consistent with the requirements of the Individuals with Disabilities Education Act (IDEA). Specifically, when a manifestation determination meeting is conducted and the student's behavior is determined to be a result of the student's disability or the district's failure to fully implement the IEP, the district policy states that the student may not be expelled or suspended for more than 10 school days. However, the IDEA requires that (except as provided under special circumstances, such as removal to an interim alternative educational setting) the district return the student to the placement from which the student was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan. |
| **LEA Outcome:** The district will revise the manifestation determination policy to be consistent with the requirements of IDEA. |
| **Action Plan:** By March 10, 2020, the district will revise the manifestation determination policy to make it consistent with the requirements of the IDEA.By June 8, 2020, the district will train district administrators and special education staff on the updated policy. By September 6, 2020, the district will share with all members of the school community that the policy has been updated via website memos and email system. |
| **Success Metric:** Success will be demonstrated by:* The revised manifestation determination policy
* District administrators and special education staff training
* Dissemination of information to the school community
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| **Measurement Mechanism:** The district will initiate a plan for periodic review of policies and procedures to ensure compliance with current state and federal regulations, and provide ongoing staff training as necessary. |
| **Completion Timeframe:** 09/06/2020 |
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| **Improvement Area 2** |
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| **Criterion:** SE 55 - Special education facilities and classrooms |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Facilities observations indicated that not all of the district's special education classrooms are equal in all physical respects to the average standards of general education classrooms. At Somerset Berkley Regional High School, speech services are provided in a small room without windows that is located behind the stage of the Performing Arts Center, next to the cafeteria and the music room. Additionally, the room is not large enough to accommodate the number of students in the largest instructional group. At North Elementary School, second-grade special education pull-out services are provided in a small room without a door that is located in the back of the auditorium, set apart from other classrooms. |
| **LEA Outcome:** The district will ensure that facilities provided to special education students are comparable in all physical respects to the average standards of general education classrooms. |
| **Action Plan:** By March 10, 2020, the district will adjust schedules and utilize available instructional space that is comparable to general education classrooms to provide speech services at Somerset Berkley Regional High School. This will be a temporary solution pending construction of a new space for speech services in the summer. By June 8, 2020, the second grade pull-out space will be moved to a new location closer to the other classrooms and will be comparable in all physical respects to the average standards of a general education classroom.The Department will conduct an onsite visit by the due dates above to confirm compliance. |
| **Success Metric:** The instructional space for speech services at Somerset Berkley Regional High School and the second grade pull-out services space at the North Elementary School will be comparable in all physical respects to the average standards of general education classrooms. |
| **Measurement Mechanism:** The district will initiate a monitoring plan for periodic review of special education facilities and classrooms to ensure they are equal in all physical respects to the average standards of the general education classrooms. |
| **Completion Timeframe:** 09/06/2020 |
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| **Improvement Area 3** |
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| **Criterion:** CR 10C - Student Discipline |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and interviews with administration indicated that the district does not have procedures for in-school suspension. Specifically, the procedures must satisfy the requirements set forth in 603 CMR 53.10, including: limiting in-school suspension to no more than ten days, cumulatively or consecutively, in a school year; providing an opportunity for the student to make academic progress; informing the student of the disciplinary charges and providing an opportunity to dispute the charges; and providing oral and written notification to the parent, including an invitation to discuss the student's academic performance and behavior. Additionally, the district does not periodically review discipline data by selected student populations, including, but not limited to, race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. |
| **LEA Outcome:** The district will create an In-School Suspension Policy to include: limiting in-school suspension to no more than ten days, cumulatively or consecutively, in a school year; providing an opportunity for the student to make academic progress; informing the student of the disciplinary charges and providing an opportunity to dispute the charges; and providing oral and written notification to the parent, including an invitation to discuss the student's academic performance and behavior. In addition, the district will develop a consistent procedure to quarterly review discipline data by selected student populations, including, but not limited to, race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status. |
| **Action Plan:** By April 15, 2020, the district will revise its discipline policy to include procedures for in-school suspension and submit to the school committee for approval. By April 15, 2020, the district will initiate quarterly reviews of discipline data by selected student populations, including, but not limited to, race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status.By September 6, 2020, the district will train all staff on the revised policy and share it out with the school community. |
| **Success Metric:** Success will be demonstrated by:* Revised discipline policy that includes procedures for in-school suspension
* Quarterly review of discipline data by selected student populations
* Staff training.
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| **Measurement Mechanism:** The district will initiate a plan for periodic review of discipline policies and procedures to ensure compliance with current state and federal regulations, and provide ongoing staff training as necessary. |
| **Completion Timeframe:** 09/06/2020 |

| **Improvement Area 4** |
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| **Criterion:** CR 17A - Use of physical restraint on any student enrolled in a publicly-funded education program |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of documents and interviews with administration indicated that the district's written physical restraint prevention and behavior support policy and procedures are inconsistent with 603 CMR 46.00. Specifically, the policy does not include: methods for preventing student violence, self-injurious behavior and suicide; methods for engaging parents in discussions about restraint prevention and use; a description of the program's alternatives to physical restraint; a statement prohibiting prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b); and procedures for receiving and investigating complaints regarding restraint practices. Additionally, the district's procedures reference reporting restraints that result in serious injuries to the Department; however, regulations require that restraints resulting in any injury must be reported to the Department. |
| **LEA Outcome:** The district will revise and update the Physical Restraint Prevention and Behavior Support Policy and Procedures consistent with 603 CMR 46.00. |
| **Action Plan:** By March 10, 2020, the district will revise the Physical Restraint Prevention and Behavior Support Policy and procedures.By April 15, 2020, the district will submit the policy to the school committee for approval. By June 8, 2020, the district will provide training to building administrators on the new policy.By September 6, 2020, the district will train all staff on the new policy and procedures and share out information regarding the updated policy to the school community via the district website and email system. |
| **Success Metric:** Success will be demonstrated by:* Revised Physical Restraint Prevention and Behavior Support Policy that is consistent with the current regulations
* School committee approval
* Staff training
* Dissemination of information to the school community
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| **Measurement Mechanism:** The district will initiate a plan for periodic review of physical restraint policies and procedures to ensure compliance with current state and federal regulations, and provide ongoing staff training. |
| **Completion Timeframe:** 09/06/2020 |
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| **Improvement Area 5** |
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| **Criterion:** CR 23 - Comparability of facilities |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Facilities observations indicated that not all of the district's English language learner (ELL) classrooms are comparable to those offered to other students in the district. At Chase Street Elementary School, the ELL space is a small room with no windows that is not appropriate in size for the students served. At North Elementary School, ELL instruction is provided in a small room without a door that is located in the back of the auditorium, set apart from other classrooms. |
| **LEA Outcome:** Facilities for the district's English language learner (ELL) classrooms will be comparable to those offered to other students in the district. At Chase Street Elementary School, the ELL space will be moved to our larger intervention classroom with designated instructional space. At North Elementary School, the ELL instructional space will be moved to a new location that meets all the requirements. |
| **Action Plan:** By March 10, 2020, the ELL instructional space at the Chase Street Elementary School will be moved to a new location that is comparable to instructional spaces offered to other students in the district.By June 8, 2020, the ELL space at North Elementary School will be moved to a new location that is comparable to instructional spaces offered to other students in the district.The Department will conduct an onsite visit by the due dates above to confirm compliance. |
| **Success Metric:** The classrooms for English language learners at Chase Street Elementary School and North Elementary School are comparable to those offered to other students in the district. |
| **Measurement Mechanism:** The district will initiate a monitoring plan for periodic review of facilities to ensure that English language learner facilities are comparable to those offered to other students in the district. |
| **Completion Timeframe:** 06/08/2020 |
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