

**Berkshire Hills Regional School District**

**Tiered Focused Monitoring Report**

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

**Tier Level** **1**

**Date of Onsite Visit:** **November 15, 2019**

**Date of Final Report: January 16, 2020**



Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

During the 2019-2020 school year, Berkshire Hills 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 Berkshire Hills 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.
* 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:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **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. |

**Berkshire Hills Regional School District**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Universal Standards** **Special Education** | **Universal Standards** **Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 1, SE 2, 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 17, SE 18A, SE 19, SE 20, SE 22, SE 25, SE 26, SE 29, SE 34, SE 35, 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 18B |
| **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** |
| --- |
| **Criterion:** SE 18B - Determination of placement; provision of IEP to parent |
| **Rating:** Partially Implemented |
|  |
| **Description of Current Issue:** Record review and interviews indicated that the district does not consistently provide the parent with two copies of the proposed IEP and proposed placement immediately following the development of the IEP at the Team meeting. The district provides the parent with a summary at the conclusion of the Team meeting, but may take up to one month to propose an IEP and placement. |
| **LEA Outcome:** The BHRSD will consistently provide the parent with two copies of the proposed IEP and proposed placement immediately following the development of the IEP at the Team meeting. |
| **Action Plan:** By February 3, 2020, the BHRSD will revise practices and procedures specific to completing and processing IEPs following Team meetings. By February 3, 2020, the BHRSD will train its special education staff on the revised procedures for completing and processing IEPs following Team meetings. By February 3, 2020, the BHRSD will implement an internal monitoring and tracking system (database) to ensure that IEPs are completed and processed immediately following Team meetings.By June 1, 2020, the BHRSD will conduct a record review to determine whether all IEPs have been completed and processed immediately following Team meetings. |
| **Success Metric:** By the end of the 2019-2020 school year, 100% of the BHRSD's IEPs will be completed and processed immediately following Team meetings.Evidence:\*Agendas, training materials and attendance sheets for trainings\*Revised procedures to ensure that IEPs are completed and processed immediately following Team meetings\*Creation and implementation of the database\*Results of internal record review |
| **Measurement Mechanism:** The Director of Student Services will meet twice per month with the support staff in charge of the database to review the timelines specific to completing and processing IEPs immediately following Team meetings. Anomalies will be identified and rectified during the meetings. |
| **Completion Timeframe:** 06/01/2020 |
|  |