

**Paulo Freire Social Justice Charter School**

**TIERED FOCUSED MONITORING**

**REPORT**

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

**Tier Level** **3**

**Dates of Onsite Visit:** **February 8 and 10, 2022**

**Date of Draft Report:** **May 2, 2022**

**Date of Final Report: June 6, 2022**

**Action Plan Due: July 6, 2022**

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Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Paulo Freire Social Justice Charter School**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUS MONITORING REPORT**

During the 2021-2022 school year, Paulo Freire Social Justice Charter School participated in a Tiered Focused Monitoring Review (TFM) conducted by the Department’s Office of Public School Monitoring (PSM). The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

Each school district, charter school, vocational school, and virtual school undergoes a Tiered Focused Monitoring Review every three years. The statewide Tiered Focused Monitoring cycle is posted at <<https://www.doe.mass.edu/psm/tfm/6yrcycle.html>>.

Regularly monitored standards are divided into two groups, known as Group A Universal Standards and Group B Universal Standards. Districts and schools are monitored on an alternate set of Universal Standards every three years.

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

The Department has also reserved a specific set of criteria, collectively known as Targeted Standards, employed if LEA or school level risk assessment data indicate there is a potential issue; the 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 the Every Student Succeeds Act (ESSA); 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.

**PSM Team:**

Depending upon the size of a school district and the number of special education programs to be reviewed, a team of one to four Department staff members conducts onsite activities over one to five days in a school district or charter school.

**Tier Level:**

The level of monitoring varies based on tier designation, aligning supports to the level of need and ensuring that districts and schools with greater needs receive appropriate supports to make sustained improvements.

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| Tier | Title | Description | Level of Risk  |
| 1 | Self-Directed Improvement | Data points indicate no concern on compliance and student outcomes. | Meets requirements |
| 2 | Directed Improvement | No demonstrated risk in areas with close link to student outcomes. | Low  |
| 3 | Corrective Action | Areas of concern include both compliance and student outcomes. | Moderate  |
| 4 | Cross-unit Support and Corrective Action  | Areas of concern have a profound effect on student outcomes and ongoing compliance. | High |

For the 2021-2022 school year, the tier assignments are based on:

* Five-year cohort graduation rate for students with disabilities
* Public School Monitoring compliance data from the previous review
* Problem Resolution System data, specifically findings of noncompliance
* Special education State Performance Plan/Annual Performance Reports (SPP/APR) compliance Indicator data for Indicators 11, 12, and 13 (Group A only)
* Indicator 11: Child Find
* Indicator 12: Early Childhood Transition
* Indicator 13: Secondary Transition
* Special education SPP/APR performance Indicator data for Indicators 5 & 6
* Indicator 5: Education Environments (6-21)
* Indicator 6: Preschool Environments
* Significant Disproportionality data 2019-2020 & 2020-2021

Tiering adjustments may be made for districts engaged in work with the Department’s Statewide System of Support and have schools identified as requiring assistance and intervention. Tiering assignments may also be adjusted for schools and districts unable to remedy noncompliance within one year of the previous TFM review, as well as for charter schools requiring additional oversight based on conditions of their charter.

**Report for Tier 3 & 4 Tiered Focused Monitoring Reviews**

At the end of the onsite visit, the PSM team holds an informal exit meeting with the superintendent or charter school leader to summarize the review. Within approximately 45 business days of the onsite visit, the chairperson forwards a Draft Report containing comments from the Tiered Focused Monitoring Review to the superintendent or charter school leader. The Draft Report comments for special education and civil rights are provided to the district/school on-line through the Web-based Monitoring System (WBMS). Within 10 business days of receipt of the Draft Report, the district/charter school reviews and comments on the report for factual accuracy before the publication of a Final Report with ratings and findings (see below). The Tiered Focused Monitoring Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department’s website at

< <https://www.doe.mass.edu/psm/tfm/reports/>>.

**Ratings:**

In the Tiered Focused Monitoring Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are “Commendable,” “Implemented,” “Implementation in Progress,” “Partially Implemented,” “Not Implemented,” and “Not Applicable.”

The onsite team includes a finding or description of the current issue in the Tiered Focused Monitoring Final Report for each criterion that it rates “Commendable,” “Partially Implemented,” “Not Implemented,” or “Implementation in Progress,” explaining the basis for the rating.

**Corrective Action:**

Where criteria are found “Partially Implemented” or “Not Implemented,” the district or charter school must propose a corrective action plan (CAP) to bring those areas into compliance with the relevant statutes and regulations. The CAP is due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department’s review and approval. Department staff provide support and assistance to districts and charter schools on the development of an approvable CAP.

Department staff also provide ongoing technical assistance as the school or district is implementing the approved CAP. **School districts and charter schools must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department’s Final Tiered Focused Monitoring Report.**

For more information regarding the TFM Review Process, including district and parent resources, please visit < <https://www.doe.mass.edu/psm/tfm/default.html>>.

**TIERED FOCUSED MONITORING FINAL REPORT**

 **Paulo Freire Social Justice Charter School**

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review at the Paulo Freire Social Justice Charter School during the week of February 7, 2022, to evaluate the implementation of Group A Universal Standards in the program areas of special education, civil rights, and other related general education requirements. The team appreciated the opportunity to interview staff and parents and to review the programs underway in the school.

In preparing this report, the team reviewed extensive written documentation regarding the operation of the school's programs, together with information gathered by means of the following Department program review methods:

**Self-Assessment Phase:**

* Charter school review of special education and civil rights documentation for required elements including document uploads.
* Charter school review of a sample of special education student records selected across grade levels, disability categories, and levels of need.
* Charter school review of student records related to the Indicator Data Collection for Indicators 11, 12, and 13.
* Upon completion of the self-assessment, the charter school submitted the data to the Department for review

**On-site Phase:**

* Interviews of staff consistent with those criteria selected for onsite verification.
* Interview of a parent advisory council (PAC) representative.
* Review of additional documents for special education and civil rights.
* Surveys of parents of students in special education: Parents of students in special education were sent a survey that solicited information regarding their experiences with the school’s implementation of special education programs, related services, and procedural requirements.
* 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 have been met.

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| The Tiered Focused Monitoring Report includes those criteria that were found by the team to be implemented in a “Commendable” manner, as well as criteria receiving a rating of "Partially Implemented," "Not Implemented," and “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) The Tiered Focused Monitoring Reports do not include criteria receiving a rating of “Implemented” or “Not Applicable.” This will allow the district/school and the Department to focus their efforts on those areas requiring corrective action. Districts are expected to incorporate the corrective actions into their district and school improvement plans, including their professional development plans. |

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| **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; 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. |
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| **Not Applicable**  | The requirement does not apply to the school district or charter school. |

**Paulo Freire Social Justice Charter School**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Universal Standards Special Education** | **Universal Standards Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 3A, SE 10, SE 11, SE 19, SE 20, SE 34, SE 40, SE 41, SE 48 | CR 13, CR 14 | SE 44, SE 45, SE 47 |
| **PARTIALLY****IMPLEMENTED** | SE 7, SE 22, SE 25, SE 35, SE 49 | CR 18 | SE 46 |
| **NOT IMPLEMENTED** | SE 1, SE 2, SE 3, SE 6, SE 8, SE 9, SE 9A, SE 12, SE 13, SE 14, SE 18A, SE 26, SE 29, SE 43 |  |  |
| **NOT APPLICABLE** | SE 17, SE 37, SE 38, SE 39, SE 42 |  |  |

The full list of criteria and information regarding the requirements can be found in Appendix B of the Tiered Focused Monitoring Toolkit available at < <https://www.doe.mass.edu/psm/resources/tfm-toolkit.docx>>.

**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 PSM team reviewed the results of Indicator data submissions for Indicators 11, 12 and 13. The Indicator review is completed prior to the onsite visit and helps inform the scope of the onsite review. 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 |  |  |

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| **SPECIAL EDUCATION** **LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** | **SPECIAL EDUCATION****I. ASSESSMENT OF STUDENTS** |
| --- | --- |
|  | **Legal Standard** |
| **SE 1** | Assessments are appropriately selected and interpreted for students referred for evaluation1. Tests and other evaluation materials are:
	1. validated;
	2. administered and interpreted by trained individuals;
	3. tailored to assess specific areas of educational need and related developmental needs;
	4. selected and administered to reflect aptitude and achievement levels and related developmental needs;
	5. as free as possible from cultural and linguistic bias;
	6. provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally;
	7. not the sole criterion for determining an appropriate educational program;
	8. not only those designed to provide a single general intelligence quotient;
	9. are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or the other factors the test purports to measure;
	10. technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
2. In interpreting evaluation data and making decisions, the district:
	1. uses information from a variety of sources to gather relevant functional and developmental information, including information provided by the parent;
	2. ensures that information obtained from these sources is considered;
	3. ensures that the placement decision conforms with placement in the least restrictive environment;
	4. includes information related to enabling the student to be involved in and progress in the general curriculum.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04603 CMR 28.05 |  |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that the charter school does not conduct assessments for initial evaluations and re-evaluations.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 2** | Required and optional assessments1. Required assessments: The following assessments are completed by appropriately credentialed and trained specialists for each referred student:
	1. Assessment(s) in all areas related to the suspected disability(ies) including consideration of any needed assistive technology devices and services and/or instruction in Braille.
	2. Educational assessment by a representative of the school district, including a history of the student’s educational progress in the general curriculum.
	3. Assessment by a teacher(s) with current knowledge of the student’s specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the district's general education curriculum, as well as an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with groups, peers, and adults.
	4. For a student being assessed to determine eligibility for services at age three (3), an observation of the student's interactions in the student's natural environment or early intervention program is strongly encouraged together with the use of current assessments from Early Intervention Teams to avoid duplicate testing.
2. Optional assessments: The administrator of special education may recommend or the parent may request one or more of the following:
	1. A comprehensive health assessment by a physician that identifies medical problems or constraints that may affect the student's education. The school nurse may add additional relevant health information from the student's school health records.
	2. A psychological assessment by a licensed school psychologist, certified psychologist, or certified educational psychologist, including an individual psychological examination.
	3. A home assessment that may be conducted by a nurse, psychologist, social worker, guidance or adjustment counselor, or teacher and includes information on pertinent family history and home situation and may include a home visit, with the agreement of the parent.
3. At the re-evaluation of a student, if no additional assessments are needed to determine whether the student continues to be eligible for special education, the school district recommends to the student's parents the following:
	1. that no further assessments are needed and the reasons for this; and
	2. the right of such parents to request an assessment.
 |
|  | **State Requirements** | **Federal Requirements** |
|  | 603 CMR 28.04 (1) and (2) | 34 CFR 300.304; 300.305;300.324(a)(2)(v) |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:**  |
| *Student record review and staff interviews indicated that the charter school does not conduct* *assessments for initial evaluations and re-evaluations.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 3** | Special requirements for determination of specific learning disabilityWhen a student suspected of having a specific learning disability is evaluated, the Team creates a written determination as to whether or not he or she has a specific learning disability, which is signed by all members of the Team, or if there is disagreement as to the determination, one or more Team members document their disagreement. |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.8(c)(10); 300.311 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that when a student is suspected of having a specific learning disability, the Team does not create a written determination as to whether or not he or she has a specific learning disability, signed by all members. Furthermore, if there is disagreement as to the determination, Team members do not document their disagreement.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 6** | Determination of transition services 1. The Team discusses the student's transition needs annually, beginning no later than when the student is 14 years old, and documents its discussion on the Transition Planning Form.
2. The Team reviews the Transition Planning Form annually and updates information on the form and the IEP, as appropriate.
3. Reserved
4. The Team determines whether the student is likely to require continuing services from adult human service agencies. In such circumstances, the administrator of special education makes a referral to the Bureau of Transitional Planning in the Executive Office of Health and Human Services at least two years before the student's graduation or 22nd birthday, whichever occurs first, in accordance with the requirements of M.G.L. c. 71B, §§12A-12C (known as Chapter 688).
5. In cases where the IEP included needed transition services and a participating agency other than the school district fails to provide these services, the Team reconvenes to identify alternative strategies to meet the transition objectives.
6. The district ensures that students are invited to and encouraged to attend part or all of Team meetings at which transition services are discussed or proposed.
 |
|  | State Requirements | Federal Requirements |
|  | M.G.L.c.71B, Sections 12A-C603 CMR 28.05(4)(c) | 34 CFR 300.320(b); 300.321(b);300.322(b)(2); 300.324(c) |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that beginning no later than when the student is 14 years old, the Team does not determine appropriate transition services. Specifically, the Team does not review and update the Transition Planning Form annually; students are not consistently invited to and encouraged to attend part or all of Team meetings at which transition services are discussed; and proposed IEPs do not consistently include goals and/or supports needed to reasonably enable the student to meet his or her post-secondary goals.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 7** | Transfer of parental rights at age of majority and student participation and consent at the age of majority1. At least one year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old.
2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student with decision-making authority to continue the student's special education program.
3. The district continues to send the parent written notices and the parent will have the right to inspect the student's records, but the parent will no longer have decision-making authority, except as provided below:
	1. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.
	2. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.
	3. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.07(5) | 34 CFR 300. 320(c), 300.520 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that at least one year prior to the student reaching age 18, the charter school does not consistently inform the student and parents of the rights that will transfer from the parents to the student upon the student's 18th birthday. Additionally, upon reaching the age of majority, the school does not document whether the student chooses to retain, delegate, or share educational decision-making. Furthermore, upon reaching the age of majority, the school does not always obtain consent from the student with decision-making authority to continue his or her special education program.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 8** | IEP Team composition and attendanceThe following persons are members of the IEP Team and may serve in multiple roles:1. The student's parents.
2. A representative of the school district who acts as Chairperson and who is (1) qualified to supervise or provide special education; (2) is knowledgeable about the general curriculum; and (3) is knowledgeable about the availability of resources of the district.
3. A representative of the school district who has the authority to commit the resources of the district (and who may act as the Chairperson).
	1. If the student *may* be involved in a regular education program, a regular education teacher. If the student *is* involved in a regular education program, a regular education teacher of the student.
	2. If the student is participating in a special education program, a special education teacher of the student or, if appropriate, a special education provider for the student.
4. The student, if one purpose of the meeting is to discuss transition services or if otherwise appropriate and if he/she chooses.
5. Other individuals at the request of the student's parents.
6. An individual who is qualified to interpret the instructional implications of evaluation results, who may be any one of the persons identified in parts 2 - 4 above.
7. Other individuals who may be necessary to write an IEP for the child, as determined by the Administrator of Special Education.
8. When one purpose of the Team meeting is to discuss transition services, with the consent of the parent(s) or student who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
9. When one purpose of the Team meeting is to discuss placement, a person knowledgeable about placement options is present at the meeting.
10. Members of the Team attend Team meetings unless:
	1. the parent and district agree to use alternative means, such as a video conference or a conference call, for any Team meeting OR
	2. the district and the parent agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed OR
	3. the district and the parent agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the parent and the IEP Team prior to the meeting.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.02(21). Part 1 of this criterion is related to State Performance Plan Indicator 8. Parts 5, 10, are related to Performance Plan Indicators 13 and 14. (See <http://www.doe.mass.edu/sped/spp/>.) | 34 CFR 300.116(a), 300.321, 300.328.See also, in the IDEA 97 regulations, 34 CFR Part 300, Appendix A, to State Question #22 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that the charter school does not maintain documentation regarding IEP Team meeting attendees.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| SE 9 | Timeline for determination of eligibilityWithin 45 school working days after receipt of the parent's written consent to an initial evaluation or a re‑evaluation, the school district determines whether the student is eligible for special education. |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(1); 28.06(2)(e) |  |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that when in receipt of parental consent for an initial evaluation, the charter school does not conduct any assessments. Furthermore, the charter school does not solicit written parental consent to complete a re-evaluation, as necessary.**Student record review also indicated that the charter school does not provide the proposed IEP and placement or written explanation of the finding of no eligibility immediately after the Team meeting.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 9A** | Elements of eligibility determination and provision of documentation; general education accommodations and services for ineligible students1. To determine whether a student is eligible for special education, the school district:
	1. provides an evaluation or re-evaluation
	2. convenes a Team meeting
	3. determines whether the student has one or more disabilities
	4. determines if the student is making effective progress in school
	5. determines if any lack of progress is a result of the student's disability
	6. determines if the student requires special education and/or related services in order to make effective progress or if the student requires related services in order to access the general curriculum
	7. provides to the parent either a proposed IEP and proposed placement or a written explanation of the finding of no eligibility.
2. If a Team determines that a student is not eligible for special education but may be eligible for accommodation(s) for disabilit(ies) under Section 504, the student is referred for consideration by the district for eligibility under that general education program.
3. When the student does not need any direct services, the Team makes a finding of no eligibility and appropriate services are provided through the district's general education program.
4. When the student's lack of progress is due to a lack of instruction in reading or mathematics, limited English proficiency, social maladjustment, or is due to an inability to meet the school discipline code but is not due to a disability, the district makes a finding of no eligibility for special education and may refer the student to a more appropriate instructional program or support service.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(1) and (2) | 4 CFR 300.8; 300.306 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that although charter school staff reported in interviews that they attend Team meetings, the school does not maintain any documentation that a Team meeting occurred, such as meeting invitations, attendance, and updated IEPs. Student record review and staff interviews also indicated that the charter school does not conduct evaluations to determine initial or continued eligibility for special education services. In addition, student record review indicated that the charter school does not consistently sign IEPs before sending them to the parent/guardian.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 12** | Frequency of re-evaluation1. When the student's needs warrant it or a parent or teacher requests it, the school district, with parental consent, conducts a full re-evaluation consistent with the requirements of federal law, provided that:
	1. a re-evaluation is conducted every 3 years unless the parent and district agree that it is unnecessary and
	2. a re-evaluation is conducted no more frequently than once a year unless the parent and district agree otherwise.
2. The district implements re-evaluation procedures in all cases where it is suspected that a student is no longer eligible for special education, except that no re-evaluation is required before the termination of eligibility because a student has graduated with a general high school diploma or exceeded the age of eligibility.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(3) | 34 CFR 300.303; 300.305(e) |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that the charter school does not conduct re-evaluations every three years; in such cases, the parent and school did not agree that the re-evaluation was unnecessary.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 13** | Progress Reports and content 1. Parents receive reports on the student's progress toward reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.
2. Progress report information sent to parents includes written information on the student's progress toward the annual goals in the IEP.
3. Where a student's eligibility terminates because the student has graduated from secondary school or exceeded the age of eligibility, the school district provides the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her postsecondary goals.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.07(3) | 34 CFR 300.305(e)(3); 300.320(a)(3) |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that the charter school does not provide written progress reports to parents on the student's progress towards reaching the goals set in the IEP at least as often as parents are informed of the progress of non-disabled students.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 14** | Review and revision of IEPs1. At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.
2. The IEP Team reviews and revises the IEP to address any lack of expected progress towards the annual goals and in the general curriculum.
3. Amendments to the IEP. In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.04(3) | 34 CFR 300.324(a)(4), (6) and (b) |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that the Team does not meet at least annually, on or before the anniversary date of the IEP, to consider the student's progress and to review, revise, and develop a new IEP or refer the student for a reevaluation, as appropriate.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 18A** | IEP development and content1. Upon determining that the student is eligible for special education, the Team, including the parent(s), develops an IEP at the Team meeting.
2. The IEP is completed addressing all elements of the most current IEP format provided by the Department of Elementary and Secondary Education.
3. The school district ensures that the IEP will not be changed outside of the Team meeting.
4. For students identified with a disability on the autism spectrum, or whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(3); G.L.c. 71 B, section 3, as amended by Chapter 92 of the Acts of 2010 | IDEA-97: 34 CFR Part 300, Appendix A, Question #22 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that the charter school does not develop an IEP at the Team meeting for eligible students. The IEPs reviewed had unchanged IEP goals and objectives from the previous school year, including some IEPs that were exact copies of the IEP written by the student's previous school district.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 22** | IEP implementation and availability1. Where the IEP of the student in need of special education has been accepted in whole or in part by that student's parent, the school district provides the mutually agreed upon services without delay.
2. At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.
3. Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student's IEP and the specific accommodations, modifications, and supports that must be provided for the student under it.
4. The school district does not delay implementation of the IEP due to lack of classroom space or personnel, provides as many of the services on the accepted IEP as possible and immediately informs parents in writing of any delayed services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.05(7)(b); 28.06(2)(d)(2) | 34 CFR 300.323 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that the charter school delays implementation of some IEP services due to lack of personnel. In such circumstances, the school does not make concerted efforts to immediately inform parents in writing of any delayed services, reasons for delay, actions that the school is taking to address the lack of personnel, or offer alternative methods to meet the goals on the accepted IEP. Currently, the school does not provide speech and language services to eligible students.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 25** | Parental consent1. The school district obtains written parental consent before conducting an initial evaluation and before making an initial placement of a student in a special education program. Written parental consent is obtained before conducting a reevaluation and before placing a student in a special education placement subsequent to the initial placement in special education.
2. The school district obtains consent before initiating extended evaluation services.
3. The school district obtains consent to the services proposed on a student's IEP before providing such services.
4. A parent is informed that consent may be revoked at any time. Except for initial evaluation and initial placement, consent may not be required as condition of any benefit to the student.
5. When the participation or consent of the parent is required and the parent fails or refuses to participate, the attempts to secure the consent of the parent are implemented through multiple attempts using a variety of methods which are documented by the district. Such efforts may include letters, written notices sent by certified mail, electronic mail (e-mail), telephone calls, or, if appropriate, TTY communications to the home, and home visits at such time as the parent is likely to be home.  Efforts may include seeking assistance from a community service agency to secure parental participation.
6. If, subsequent to initial evaluation and initial placement and after following the procedures required by the regulations, the school district is unable to obtain parental consent to a re-evaluation or to placement in a special education program subsequent to the initial placement, the school district considers with the parent whether such action will result in the denial of a free appropriate public education to the student.  If, after consideration, the school district determines that the parent's failure or refusal to consent will result in a denial of a free appropriate public education to the student, it seeks resolution of the dispute through the Bureau of Special Education Appeals (BSEA).
7. If the parent has given consent for special education services and then, at any time following, revokes his/her consent to the student's special education services in writing, the district is obligated to discontinue all special education services and may not use mediation or request a due process hearing to obtain agreement or a ruling requiring the continuation of services, consistent with federal regulation. If a parent revokes consent in writing, the district must act promptly to provide written notice to the parent/guardian of the district´s proposal to discontinue services based on the revocation of consent, as well as information on how the parent can obtain a copy of his/her right to procedural safeguards. The district must provide the notice a reasonable time before the district intends to discontinue the services.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.07(1)This criterion is related to State Performance Plan Indicator 8. (See <http://www.doe.mass.edu/sped/spp/>.) | 34 CFR 300.300 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review and staff interviews indicated that when in receipt of parental consent for an initial evaluation, the charter school does not conduct any assessments. Furthermore, the charter school does not solicit written parental consent to complete a re-evaluation, as necessary.**Student record review and staff interviews also indicated that the charter school does not make or document multiple attempts, using a variety of methods, to secure parental consent.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 26** | Parent participation in meetings1. The district ensures that one or both parents of a student are members of any group that makes decisions on the educational placement of their student.
2. The Administrator of Special Education notifies parent(s) in writing of any Team meeting early enough to ensure that they have an opportunity to attend.
3. The district schedules the meeting at a mutually agreed upon time and place and documents such efforts.
4. If neither parent can attend, the district uses other methods to ensure parent participation, including individual or conference telephone calls, or video conferencing.
5. In cases where the district, after reasonable efforts, is unable to obtain the parents' participation in Team meeting discussions and decisions, the district conducts the Team meeting and documents its attempts to facilitate the parents' participation.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.02(21) | 34 CFR 300.322; 300.501 |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that the charter school does not document the invitation or attendance of parents at Team meetings.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 29** | Communications are in English and primary language of home1. Communications with parents are in simple and commonly understood words and are in both English and the primary language of the home if such primary language is other than English. Any interpreter used in fulfilling these requirements is fluent in the primary language of the home and familiar with special education procedures, programs, and services. If the parents or the student are unable to read in any language or are blind or deaf, communications required by these regulations are made orally in English with the use of a foreign language interpreter, in Braille, in sign language, via TTY, or in writing, whichever is appropriate, and all such communications are documented.
2. If the district provides notices orally or in some other mode of communication that is not written language, the district keeps written documentation (a) that it has provided such notice in an alternate manner, (b) of the content of the notice and (c) of the steps taken to ensure that the parent understands the content of the notice.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.07(8) | 34 CFR 300.322(e); 300.503(c) |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that the charter school does not document the participation of an interpreter at Team meetings. The school does not maintain written documentation when notices are provided orally, including the content of the notice and the steps taken to ensure that the parent understands the content of the notice.**Furthermore, student record review indicated that the charter school does not provide translated documents when required, including meeting invitations, IEPs, evaluation reports, and progress reports.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 35** | Assistive technology: specialized materials and equipment *Assistive technology device* means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.*Augmentative and alternative communication:* The IEP Team must consider the communication needs of the student. Augmentative and alternative communication (AAC) is a form of assistive technology that can help students with disabilities that impede their ability to communicate to meet their education goals and participate fully alongside their nondisabled peers in all aspects of their education. AAC should be considered for those students who cannot communicate effectively through oral speech, including students with autism, cerebral palsy, intellectual disabilities, congenital disabilities, selective mutism, muscle disease, sensory impairments, and traumatic brain injury.*Assistive technology service* means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
6. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

In developing each student’s IEP, the IEP Team must consider whether the student needs assistive technology devices and services. Each public agency must ensure that assistive technology devices and services are made available to a student with a disability if required as a part of the student's special education, related services, and/or supplementary aids and services.* If the Team recommends an assistive technology evaluation, a multidisciplinary team of professionals knowledgeable about assistive technology devices should conduct the assessment with the student and family being included in the evaluation process.
* In instances when assistive technology devices and/or services are determined as required, the Team must further determine and document which settings (classroom, home or other) in which the student needs access to those devices and services in order to assure provision of FAPE.
 |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.105; 300.324(a)(2)(v) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review and staff interviews indicated that the charter school has procedures to conduct an assistive technology evaluation, provide and maintain assistive technology devices, and train staff, students, and families to coordinate the use of devices. However, student record review indicated that the IEP Team does not document the consideration of the student's need for assistive technology devices and services at each Team meeting.* |

| **CRITERION****NUMBER** | SPECIAL EDUCATION**V. STUDENT SUPPORT SERVICES** |
| --- | --- |
|  | **Legal Standard** |
| **SE 43** | Behavioral interventionsFor a student whose behavior impedes their learning or the learning of others, the Team considers the use of positive behavioral interventions and supports, and other strategies, to address that behavior. |
|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.324(a)(2)(i) |
|  | **Rating:** |  **Not Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Student record review indicated that the Team does not document in the IEP the use of positive behavior interventions and supports for students whose behavior impedes his or her learning or the learning of others.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **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 district1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change in placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP-“a manifestation determination.”
3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
	1. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
	2. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
4. Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
	1. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
	2. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others.

Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.1. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the Team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews it and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.
2. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.
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|  | State Requirements | Federal Requirements |
|  |  | 34 CFR 300.530-537 |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the charter school's procedures for the suspension of students with disabilities when suspensions exceed 10 consecutive or cumulative school days do not address the authority of a hearing officer to remove a student from his or her educational placement if it is determined the student is substantially likely to injure him/herself or others.**Student record review also indicated that the charter school does not convene a meeting of school personnel, the parent, and other relevant members of the student's Team, as determined by the parent and the district, within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP.* |

| **CRITERION****NUMBER** |       |
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|  | **Legal Standard** |
| **SE 49** | Related servicesFor each student with special education needs found to require related services, the school district provides or arranges for the provision of transportation and such developmental, corrective, and other supportive services as are required to assist a student to benefit from special education or to access the general curriculum, and includes:1. speech-language pathology and audiology services
2. psychological services
3. physical therapy
4. occupational therapy
5. recreation, including therapeutic recreation
6. early identification and assessment of disabilities in children
7. counseling services, including rehabilitation counseling
8. orientation and mobility services (peripatology)
9. medical services for diagnostic or evaluation purposes
10. school health services, including school nurse services
11. social work services in schools
12. parent counseling and training
13. interpreting services.
 |
|  | State Requirements | Federal Requirements |
|  | 603 CMR 28.02(18) | CFR 300.34; 300.323(c) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *See SE 22 for information regarding related services.* |

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| **CIVIL RIGHTS** **METHODS OF ADMINISTRATION (CR)** **AND** **OTHER RELATED GENERAL EDUCATION REQUIREMENTS****LEGAL STANDARDS,** **COMPLIANCE RATINGS AND** **FINDINGS** |

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| **CRITERION****NUMBER** | CIVIL RIGHTS METHODS OF ADMINISTRATION (CR)AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS**VI. FACULTY, STAFF AND ADMINISTRATION** |
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|  | **Legal Standard** |
| **CR 18** | Responsibilities of the school principal1. Instructional support. The principal in each of the district's schools promotes instructional practices responsive to student needs and ensures that adequate instructional support is available for students and teachers. Instructional support includes remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, §2. The principal consults with the administrator of special education regarding accommodations and interventions for students. Such efforts and their results are documented and placed in the student record. Additionally, when an individual student is referred for an evaluation to determine eligibility for special education, the principal ensures that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.
2. Curriculum Accommodation Plan. The principal implements a curriculum accommodation plan developed by the district's general education program to ensure that all efforts have been made to meet the needs of diverse learners in the general education program. The plan assists the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the general education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The plan includes provisions encouraging teacher mentoring and collaboration and parental involvement. (*The plan may be part of a multi-year strategic plan.)*
3. Coordination with special education. The principal with the assistance of the administrator of special education coordinates the delivery and supervision of special education services within each school building.
4. Educational services in home or hospital. Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal arranges for provision of educational services in the home or hospital. Such services are provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal coordinates such services with the Administrator for Special Education for eligible students. Such educational services are not considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.
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|  | M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3) |
|  | **Rating:** |  **Partially Implemented**  | **District Response Required:** | **Yes** |

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| **Department of Elementary and Secondary Education Findings:** |
| *Document review indicated that the charter school has written a Curriculum Accommodation Plan (CAP) that outlines the supports and services necessary to meet the needs of diverse learners in the general education program. However, the services and supports outlined in the CAP are not implemented consistently and have not been effective in reducing the number of students leaving school without a diploma. Specifically, the 2020-2021 drop-out rate for the charter school is 4.9%, more than three times higher than the state rate of 1.5%.* |

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| This Tiered Focused Monitoring Final Report is also available at:< <https://www.doe.mass.edu/psm/tfm/reports/>>.Profile information supplied by each charter school and school district, including information for individual schools within districts, is available at <<http://profiles.doe.mass.edu/>>. |

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| WBMS Final Report 2022 |
| File Name: | Paulo Freire Social Justice Charter School TFM Final Report |
| Last Revised on:  | June 6, 2022 |
| Prepared by: | SH/MP |