

**Fitchburg Public Schools**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

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

**Tier Level** **2**

**Dates of Onsite Visit:** **December 14-15, 2022**

**Date of Final Report: June 23, 2023**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Fitchburg Public Schools**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

# **TIERED FOCUSED MONITORING REPORT INTRODUCTION**

During the 2022-2023 school year, Fitchburg Public Schools 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/3yrcycle.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 September 20, 2022.

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

For the 2022-2023 school year, the tier assignments are based on:

* Annual drop-out rate for students with disabilities
* 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 SPP/APR compliance Indicator data for Indicators 4B, 9 & 10
  + Indicator 4B: Significant discrepancy by race or ethnicity in removal of students with

IEPs greater than 10 days

* + Indicator 9: Overall disproportionate representation of racial and ethnic groups identified

as eligible for special education

* + Indicator 10: Disproportionate representation of racial and ethnic groups within specific

disability categories

* Special education SPP/APR performance Indicator data for Indicators 5 & 6
  + Indicator 5: Education Environments (6-21)
  + Indicator 6: Preschool Environments
* Significant Disproportionality data 2021-2022 & 2022-2023

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 1 & 2 Tiered Focused Monitoring Reviews**

Following the onsite visit, the PSM team holds an informal exit meeting to summarize the review for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the chairperson forwards the TFM Feedback Summary that includes findings from the Tiered Focused Monitoring Review to the superintendent or charter school leader.

As part of the reporting process, all districts/charter schools in Tiers 1 and 2 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 is due to the Department within 20 business days after the issuance of the Feedback Summary and is subject to the Department’s review and approval. 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. Department staff provide support and assistance to districts and charter schools on the development of a CIMP.

Once the CIMP is approved, it is issued as the Final Report.

Department staff also provide ongoing technical assistance as the school or district is implementing the approved CIMP. **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 Feedback Summary.**

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**

**for Fitchburg Public Schools**

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review in Fitchburg Public Schools during the week of December 12, 2022, to evaluate the implementation of Group B 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, to observe classroom facilities, and to review the programs underway in the district.

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

**Self-Assessment Phase:**

* District review of special education and civil rights documentation for required elements including document uploads.
* Upon completion of the self-assessment, the district submitted the data to the Department for review.

**On-site Verification Phase:**

* Interviews of administrative staff consistent with those criteria selected for onsite verification.
* Interview of a parent advisory council (PAC) representatives and other telephone interviews, as requested by parents or members of the general public.
* 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 district’s implementation of special education programs, related services, and procedural requirements.
* Observations of classrooms and other facilities: The onsite team visited a sample of classrooms and other school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

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

**Fitchburg Public Schools**

# **SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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| --- | --- | --- |
|  | **Universal Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** |
| **IMPLEMENTED** | SE 15, SE 32, SE 35, SE 36, SE 50, SE 51, SE 52, SE 52A, SE 54, SE 55, SE 56 | CR 3, CR 7, CR 7A, CR 7B, CR 7C, CR 8, CR 10A, CR 10C,  CR 12A, CR 20, CR 21, CR 22, CR 23, CR 24, CR 25 |
| **PARTIALLY**  **IMPLEMENTED** |  | CR 10B, CR 16, CR 17A |
| **NOT**  **IMPLEMENTED** | None |  |
| **NOT**  **APPLICABLE** | None |  |

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>>.

# **CONTINUOUS IMPROVEMENTAND MONITORING PLAN**

| **Improvement Area** **1** |
| --- |
| **Criterion:** CR 10B - Bullying Intervention and Prevention |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that although the district provides training to staff on bullying intervention and prevention, the training does not include the following required topics:   * Developmentally appropriate strategies to prevent bullying incidents; * Developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; * Information regarding the complex interaction and power differential that can take place between and among a * perpetrator, victim, and witnesses to the bullying; and * Research findings on bullying, including information about students who have been shown to be particularly at risk for * bullying in the school environment. |
| **LEA Outcome:** Fitchburg Public Schools' bullying prevention and intervention training will include the following topics:   * Developmentally appropriate strategies to prevent bullying incidents; * Developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; * Information regarding the complex interaction and power differential that can take place between and among a * perpetrator, victim, and witnesses to the bullying; and * Research findings on bullying, including information about students who have been shown to be particularly at risk for * bullying in the school environment. |
| **Action Plan:** By June 30, 2023, the district will submit the updated bullying prevention and intervention training that includes all required topics.  By September 29, 2023, the district will submit evidence demonstrating that all staff have been trained on the required topics. |
| **Success Metric:** By September 2023 and beyond, the content of the bullying prevention and intervention training will include all required topics.  Evidence:   * Updated training materials * Training agenda and attendance |
| **Measurement Mechanism:** The departments of the Director of Pupil Services and the Assistant Superintendent will annually review the content of the bullying prevention and intervention training and make any necessary updates. Both departments will ensure training occurs during the first four days of professional development each school year. |
| **Completion Timeframe:** 09/29/2023 |
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| **Improvement Area 2** |
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| **Criterion:** CR 16 - Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** Document review and interviews indicated that notice is provided to the parent/guardian within five days of a student's tenth consecutive absence. However, document review indicated that the notice does not include the following required components:   * Addressed to the student; * Two dates and times for an exit interview between the superintendent (or designee), the student, and the parent/guardian; * Contact information for scheduling the exit interview; * Notification that the parties shall agree to the date and time for the exit interview that will occur within 10 days of the notice; and * Notification that the date and time for the exit interview may be extended at the request of the parent/guardian, but for no longer than 14 days.   In addition, document review and staff interviews indicated that the district does not currently send annual notice to former students who have left school without earning their competency determination and who have not transferred to another school to inform them of the availability of publicly funded post-secondary school academic support programs and to encourage them to participate in such programs. |
| **LEA Outcome:** Fitchburg Public Schools will provide a notice to the student and parent/guardian within five days of the student's tenth consecutive absence that includes all required components, including the following:   * Addressed to the student; * Two dates and times for an exit interview between the superintendent (or designee), the student, and the * parent/guardian; * Contact information for scheduling the exit interview; * Notification that the parties shall agree to the date and time for the exit interview that will occur within 10 days of the * notice; and * Notification that the date and time for the exit interview may be extended at the request of the parent/guardian, but for no longer than 14 days.   In addition, the district will always send annual notice to former students who have left school without earning their competency determination and who have not transferred to another school to inform them of the availability of publicly funded post-secondary school academic support programs and to encourage them to participate in such programs. |
| **Action Plan:** By June 30, 2023, the district will submit an updated absence notice, as well as a notice for former students.  By June 30, 2023, the district will submit newly developed notice procedures that include an internal monitoring system to ensure implementation.  By September 29, 2023, the district will submit evidence of training for relevant high school and alternative high school staff who are responsible for implementing the procedures.  By November 3, 2023, the district will submit evidence of an internal review of applicable student records to ensure that notices were sent as required. The district will conduct a root cause analysis and implement appropriate corrective actions for any identified noncompliance. |
| **Success Metric:** By November 2023 and beyond, the district will ensure that the attendance notice and annual notice include the required components and are sent as required.  Evidence:   * Revised attendance notice * Annual notice * Notice procedures * Internal monitoring system * Training materials, agenda, and attendance * Results of internal monitoring review, root cause analysis, and corrective action, as appropriate |
| **Measurement Mechanism:** On a quarterly basis, the high school guidance department will monitor implementation of the notice procedures. This process will be overseen by the Director of Pupil Services. The Director of Pupil Services will conduct a root cause analysis and implement appropriate corrective actions for any identified noncompliance. |
| **Completion Timeframe:** 11/03/2023 |
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| **Improvement Area 3** |
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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:** Document review and staff interviews indicated that the district's written restraint prevention and behavior support policy and procedures do not include the following:   * Methods for preventing student violence, self-injurious behavior, and suicide; * Methods for engaging parents in discussions about restraint prevention and use; * Description and explanation of the district's alternatives to physical restraint and method of restraint used in * emergency situations; and * Complete procedures for individual student review of restraints.   In addition, document review indicated that the district's restraint reporting procedures erroneously allow for the district to seek parental consent to waive the requirement to notify parents of restraints that are no longer than 20 minutes and do not involve an injury. |
| **LEA Outcome:** Fitchburg Public Schools' written restraint prevention and behavior support policy and procedures will include the following:   * Methods for preventing student violence, self-injurious behavior, and suicide; * Methods for engaging parents in discussions about restraint prevention and use; * Description and explanation of the district's alternatives to physical restraint and method of restraint used in emergency situations; and * Complete procedures for individual student review of restraints.   In addition, the district's restraint reporting procedures will no longer allow for the district to seek parental consent to waive the requirement to notify parents of restraints that are no longer than 20 minutes and do not involve an injury. |
| **Action Plan:** By June 30, 2023, the district will submit the revised written restraint prevention and behavior support policy and procedures.  By September 29, 2023, the district will submit evidence that the revised policy and procedures were adopted by the school committee and disseminated to the school community. Also, the district will provide evidence that staff were trained on the revised policy and procedures. |
| **Success Metric:** By September 2023 and beyond, the district will ensure that the physical restraint prevention and behavior support policy and procedures include all required topics.  Evidence:   * Updated policy and procedures * School committee agenda and minutes indicating approval * Evidence of dissemination to school community * Training materials, agenda, attendance |
| **Measurement Mechanism:** The district will annually review the content of the physical restraint prevention and behavior support policy and procedures and make any necessary updates. Training on the policy and procedures will occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. |
| **Completion Timeframe:** 09/29/2023 |
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