## DESE Logo

**Excel Academy Charter School**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

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

**Tier Level** **2**

**Dates of Onsite Visit:** **May 10-11, 2023**

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

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Commissioner of Elementary and Secondary Education

**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**TIERED FOCUSED MONITORING REPORT**

**Excel Academy Charter School**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

# **TIERED FOCUSED MONITORING REPORT INTRODUCTION**

During the 2022-2023 school year, Excel Academy 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 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**

**Excel Academy Charter School**

The Massachusetts Department of Elementary and Secondary Education conducted a Tiered Focused Monitoring Review in Excel Academy Charter School during the week of May 8, 2023, 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:**

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

**On-Site Verification Phase:**

* Interviews of administrative, instructional, and support staff consistent with those criteria selected for onsite verification.
* Interviews of 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 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.) Tiered Focused Monitoring Reports do not include criteria receiving a rating of “Implemented” or “Not Applicable.” This will allow the 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. |
|  | |
| **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. |

**Excel Academy Charter School**

# **SUMMARY OF COMPLIANCE CRITERIA RATINGS**

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| --- | --- | --- | --- |
|  | **Universal**  **Standards**  **Special Education** | **Universal Standards**  **Civil Rights and Other General Education Requirements** | **Targeted Standards** |
| **IMPLEMENTED** | SE 1, SE 2, SE 3, SE 3A,  SE 6, SE 8, SE 9A, SE 10,  SE 11, SE 12, SE 14, SE 18A, SE 19, SE 20, SE 22, SE 25, SE 26, SE 29, SE 34, SE 35, SE 40, SE 41, SE 43, SE 48, SE 49 | CR 13, CR 14, CR 18 | CR 10C, SE 44,  SE 45, SE 46, SE 47 |
| **PARTIALLY**  **IMPLEMENTED** | SE 7, SE 9, SE 13 |  |  |
| **NOT**  **IMPLEMENTED** | None |  |  |
| **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>>.

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**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 charter school’s submissions for 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 |  |  |

The submissions have been reviewed and approved by the Department; no further action is required.

| **CONTINUOUS IMPROVEMENT AND MONITORING PLAN** |
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| **Improvement Area** **1** |
| **Criterion:** SE 7 - Transfer of parental rights at age of majority and student participation and consent at the age of majority |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that at least one year prior to the student reaching age 18, the charter school does not always inform the student and parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18th birthday. Additionally, the charter school does not always obtain consent from students with sole or shared decision-making authority to continue their special education program. |
| **LEA Outcome:** Excel Academy Charter School will ensure that at least one year prior to the student reaching age 18, the student and parent are informed of the rights that will transfer from the parent to the student upon the student's 18th birthday. In addition, Excel Academy will implement procedures to obtain consent from the adult student with shared or sole decision-making authority to continue his or her special education program. |
| **Action Plan:** By August 30, 2023, Excel Academy Charter School will revise the age of majority procedures in its internal guiding documents (Special Education Procedures Handbook) and update annual staff training to ensure that students and parents are provided with notice of the transfer of rights and consent is obtained from adult students with shared or sole decision-making authority.  By August 30, 2023, Excel Academy Charter School will complete individual student corrective actions for the students identified by the Department.  By August 30, 2023, Excel Academy Charter School will train high school special education staff on the revised age of majority procedures.  By January 31, 2024, Excel Academy Charter School will conduct an internal review of five records of students turning 18 within one year and five records of students who have already turned 18 to ensure the procedures are implemented. If noncompliance is identified, the Manager of Student Supports will conduct a root cause analysis and determine appropriate corrective action. |
| **Success Metric:** By February 2024 and beyond, Excel Academy Charter School will consistently inform all students and parents, at least one year prior to the student reaching age 18, of the rights that will transfer from the parent to the student upon the student's 18th birthday. In addition, the charter school will routinely obtain consent from the adult student with shared or sole decision-making authority to continue his or her special education program.  Evidence:  \* Updated age of majority procedures  \* Description of internal monitoring system  \* Notice of the transfer of rights and signed IEPs, if shared or sole decision-making authority  \* Agenda, training materials, and attendance sheets  \* Results of record review, root cause analysis, and corrective action steps, as needed |
| **Measurement Mechanism:** Each marking period, the Manager of Student Supports will review at least five records of students turning 18 within one year and five records of students who have already turned 18 to ensure implementation of the age of majority procedures. If noncompliance is identified, the charter school will conduct a root cause analysis and determine appropriate corrective action, including additional training. |
| **Completion Timeframe:** 01/31/2024 |
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| **Improvement Area 2** |
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| **Criterion:** SE 9 - Timeline for determination of eligibility |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that within 45 school-working days after receipt of the parent's written consent to an initial evaluation or a re-evaluation, the charter school does not always determine whether the student is eligible for special education and, if eligible, develop and provide the parents with a proposed IEP and placement. |
| **LEA Outcome:** Excel Academy Charter School will consistently ensure the Team determines eligibility and provides the proposed IEP and placement within 45 school-working days of receipt of the parent's written consent to an initial evaluation or re-evaluation. |
| **Action Plan:** By August 30, 2023, Excel Academy Charter School will review eligibility determination procedures and refine the existing internal monitoring system to track timelines.  By August 30, 2023, Excel Academy Charter School will provide training to appropriate staff on the new procedures and the internal monitoring system.  By December 15, 2023, Excel Academy Charter School will conduct an internal review of ten records across all grade levels for students who have had an initial or re-evaluation to determine whether all timelines were met. If noncompliance is identified, the charter school will conduct a root cause analysis and determine appropriate corrective action, including additional training. |
| **Success Metric:** By January 2024 and beyond, the charter school will consistently meet eligibility determination timelines.  Evidence:   * Revised Special Education Procedures Handbook * Refined internal monitoring system * Training agenda, materials, and attendance * Results of record review * Root cause analysis and corrective actions, if applicable |
| **Measurement Mechanism:** The Network Director and Manager of Student Supports will work with each Excel site to implement the internal monitoring system continuously to ensure that eligibility is determined and the proposed IEP and placement are provided within 45 school-working days of the receipt of written consent. The Director of Student Supports will review the internal monitoring system quarterly to identify any trends and address concerns with relevant staff through coaching or additional training. |
| **Completion Timeframe:** 12/15/2023 |
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| **Improvement Area 3** |
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| **Criterion:** SE 13 - Progress Reports and content |
| **Rating:** Partially Implemented |
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| **Description of Current Issue:** A review of student records and staff interviews indicated that parents do not receive reports on their student's progress towards reaching the goals set forth in the IEP at least as often as parents are informed of the progress of non-disabled students. A review of student records also indicated that progress report information sent to parents does not consistently include written information on the student's progress towards the annual goals in the IEP. |
| **LEA Outcome:** Excel Academy Charter School will ensure that Team Chairpersons and Case Managers provide parents with progress reports at the same intervals as report cards (three times a year for middle school and quarterly for the high school). Furthermore, the charter school will ensure that all progress reports include specific data that addresses each IEP goal, indicates whether the student is expected to achieve the goal by the end of the IEP period, and, if not, identify the action steps that will be taken in support of the student. |
| **Action Plan:** By August 30, 2023, Excel Academy Charter School will revise procedures for the completion of progress reports. These procedures will be posted in the charter school's internal guiding documents (Special Education Procedures Handbook).  By October 30, 2023, Excel Academy Charter School will train special education administrators and teachers, as well as general education teachers, on the revised procedures.  By December 15, 2023, Excel Academy Charter School will conduct a review of five records from each school to ensure progress reports were sent as required and include all necessary information. If noncompliance is identified, the Manager of Student Supports will conduct a root cause analysis to determine appropriate corrective action, which could include additional training or coaching. |
| **Success Metric:** By the end of December 2023 and beyond, Excel Academy Charter School will ensure progress reports are provided to parents at least as often as parents are informed of the progress of non-disabled students and that they include written information on the student's progress towards the annual goals in the IEP.  Evidence:   * Revised student supports manual * Training agenda, materials, and attendance * Results of record review, root cause analysis, and corrective action, as appropriate |
| **Measurement Mechanism:** At the end of each school's marking term, the Manager of Student Supports will review at least five records from each school to determine if IEP progress reports were provided as required and contain appropriate information. If noncompliance is identified, a root cause analysis will be conducted to determine appropriate corrective action. |
| **Completion Timeframe:** 12/15/2023 |
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