



Massachusetts Department of
**ELEMENTARY & SECONDARY
EDUCATION**

Lawrence Public Schools

COORDINATED PROGRAM REVIEW REPORT OF FINDINGS

Dates of Onsite Visit: October 22-25, 2012

Date of Draft Report: January 3, 2013

Date of Final Report: February 25, 2013

Action Plan Due: March 22, 2013

Department of Elementary and Secondary Education Onsite Team Members:

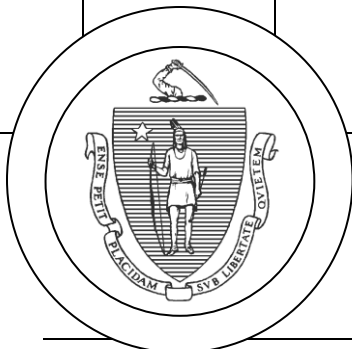
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Template Version 120905

Massachusetts Department of Elementary and Secondary Education – Program Quality Assurance Services

Lawrence Public Schools Coordinated Program Review Report – February 25, 2013 02:39:50 PM

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Lawrence Public Schools

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
RECEIVING A COMMENDABLE RATING
FROM THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

Civil Rights and Other General Education Requirements
CR 12A

**SUMMARY OF COMPLIANCE CRITERIA INCLUDED IN THIS REPORT
REQUIRING CORRECTIVE ACTION**

PROGRAM AREA	PARTIALLY IMPLEMENTED	NOT IMPLEMENTED	OTHER CRITERIA REQUIRING RESPONSE
Special Education	SE 2, SE 3, SE 6, SE 9, SE 13, SE 18A, SE 18B, SE 20, SE 21, SE 22, SE 24, SE 25, SE 26, SE 32, SE 34, SE 35, SE 36, SE 40, SE 49 & SE 55	None	None
Civil Rights and Other General Education Requirements	CR 7, CR 7B & CR 18	None	None
English Learner Education	ELE 3, ELE 5, ELE 9, ELE 10, ELE 11, ELE 14, ELE 15, & ELE 18	ELE 17	None

NOTE THAT ALL OTHER CRITERIA REVIEWED BY THE DEPARTMENT THAT ARE NOT MENTIONED ABOVE HAVE RECEIVED AN “IMPLEMENTED” OR “NOT APPLICABLE” RATING.

SPECIAL EDUCATION

CRITERION NUMBER		
	Legal Standard	
SE 2	<p>Required and optional assessments</p> <ol style="list-style-type: none"> 1. <u>Required assessments</u>: The following assessments are completed by appropriately credentialed and trained specialists for each referred student: <ol style="list-style-type: none"> a. 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. b. Educational assessment by a representative of the school district, including a history of the student’s educational progress in the general curriculum. c. Assessment by a teacher(s) with current knowledge regarding 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. d. For a child being assessed to determine eligibility for services at age three (3), an observation of the child’s interactions in the child’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. <u>Optional assessments</u>: The Administrator of Special Education may recommend or the parent may request one or more of the following: <ol style="list-style-type: none"> 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. b. A psychological assessment by a certified school psychologist, licensed psychologist, or licensed educational psychologist, including an individual psychological examination. c. 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: <ol style="list-style-type: none"> a. that no further assessments are needed and the reasons for this; and b. 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: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review indicated that educational status assessments A & B, which include information on the student's current educational progress, as well as a current teacher's assessment of student performance and school history, were not always completed and kept in the student record.

CRITERION NUMBER		
	Legal Standard	
SE 3	Special requirements for determination of specific learning disability When 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: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review indicated that while IEP Teams completed a written determination of whether the student evaluated had a specific learning disability, the IEP Teams are not using any of the current state mandated forms for this determination.

CRITERION NUMBER		
	Legal Standard	
SE 6	Determination of transition services <ol style="list-style-type: none"> 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. For any student approaching graduation or the age of twenty-two, 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 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-C 603 CMR 28.05(4)(c)	34 CFR 300.320(b); 300.321(b); 300.322(b)(2); 300.324(c)
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review indicated that IEP Teams do not always discuss transition needs for students starting at the age of 14 and document the discussions on the Transition Planning Form.

CRITERION NUMBER		
	Legal Standard	
SE 9	Timeline for determination of eligibility and provision of documentation to parent Within forty-five 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 and provides to the parent either a proposed IEP and (except in cases covered by 603 CMR 28.06(2)(e)) proposed placement or a written explanation of the finding of no eligibility.	
	State Requirements	Federal Requirements
	603 CMR 28.05(1); 28.06(2)(e)	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review indicated that in some instances, the district obtained parental consent to re-evaluate the student after completing annual reviews in an effort to ensure consent was obtained in advance of the three-year re-evaluation date that would occur in the following school year. However, in doing so, the district did not immediately act upon the signed consent; therefore, the re-evaluations were not completed within 30 school working days.

CRITERION NUMBER		
	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: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review and staff interviews indicated that progress reports were not always complete and did not contain all required elements, such as specific information related to the student's progress towards meeting the IEP goals. In addition, IEP progress reports were not always dated, making it difficult to determine whether progress reports were provided to parents consistent with the frequency of the provision of progress reports to non-disabled students. Interviews indicated that there is contradictory understanding of who is responsible for ensuring that IEP progress reports are complete and contain all the required information; some staff indicated the responsibility rested with the central office, while others indicated that it was the responsibility of the Educational Team Facilitators.

CRITERION NUMBER		
	Legal Standard	
SE 18A	<p>IEP development and content</p> <ol style="list-style-type: none"> 1. 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 format provided by the Department of Elementary and Secondary Education. 3. The school district ensures that the IEP will not be changed at a higher administrative level within the district. 4. 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. 5. For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically 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: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review indicated that the IEP forms used by the district contain a section entitled "promotion" and include language that a student's grade level promotion would be based on the attainment of the student's IEP goals. IEP goals are objectives for individual students that are determined by IEP Teams, which are distinct from the grade level academic promotional requirements determined by the school district for all students.

Furthermore, when the student's evaluation indicated that a student's disability affects social skills development, the IEP did not always address the skills and the proficiencies needed to avoid and respond to bullying, harassment, or teasing.

CRITERION NUMBER		
	Legal Standard	
SE 18B	<p>Determination of placement; provision of IEP to parent</p> <ol style="list-style-type: none"> 1. At the Team meeting, after the IEP has been fully developed, the Team determines the appropriate placement to deliver the services on the student's IEP. 2. Unless the student's IEP requires some other arrangement, the student is educated in the school that he or she would attend if the student did not require special education. 3. The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the child, the type of settings in which those services are to be provided, the types of service providers, and the location at which the services are to 	

	be provided. 4. Reserved 5. Immediately following the development of the IEP, the district provides the parent with two (2) copies of the proposed IEP and proposed placement along with the required notice, except that the proposal of placement may be delayed according to the provisions of 603 CMR 28.06(2)(e) in a limited number of cases.	
	State Requirements	Federal Requirements
	603 CMR 28.05(6) and (7); 28.06(2)	34 CFR 300.116; 300.325
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Staff interviews and observations indicated that the School for Exceptional Studies (SES) is a public day school approved for middle school students; however, SES currently operates two high school programs. High school students placed in these programs have IEPs that require substantially separate or partial inclusion placements, but are currently served in an unapproved special education day school placement.

Furthermore, interviews indicated that at the High School Learning Center (HLC), IEP placements are changed from the partial inclusion or sub-separate placements determined in the middle school to less restrictive settings at the high school without convening the IEP Team, developing an IEP, determining placement and obtaining parental consent to the IEP and placement.

CRITERION NUMBER	Legal Standard	
SE 20	Least restrictive program selected 1. The program selected is the least restrictive environment for students, with consideration given to any potential harmful effect on the student or on the quality of services that he or she needs. 2. If the student is removed from the general education classroom at any time, the Team states why the removal is considered critical to the student’s program and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily. 3. The district does not remove an eligible child from the general education classroom solely because of needed modification in the curriculum. 4. If a student’s IEP necessitates special education services in a day or residential facility or an out-of-district educational collaborative program, the IEP Team considers whether the student requires special education services and support to promote the student’s transition to placement in a less restrictive program.	
	State Requirements	Federal Requirements
	M.G.L. c. 71B, § 3 603 CMR 28.06(2)	34 CFR 300.114-120
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings: *See SE 18B.*

CRITERION NUMBER		
	Legal Standard	
SE 21	<p>School day and school year requirements</p> <ol style="list-style-type: none"> 1. The Team routinely considers the need for an educational program that is less than or more than the regular school day or school year, including extended day, or year, and/or residential services and indicates on the IEP why the shorter or longer program is necessary. 2. The daily duration of the child’s program is equal to that of the regular school day unless the Team states that a different duration is necessary to provide a free appropriate public education to the child. In this case the Team specifies the daily duration of the program and states the reason for the different duration on the IEP. 3. Specialized transportation schedules do not impede a student’s access to a full school day and program of instruction. 4. An extended day or year program is identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extended program is not provided. 5. If residential services are required, the IEP clearly specifies the reasons for such determination and how such services will be coordinated with the day education services provided to the student. Additionally, the annual goals and services on the student’s IEP reflect the comprehensive nature of the educational program required. 6. Camping or recreation programs provided solely for recreational purposes and with no corresponding IEP goals or specially designed instruction are not to be considered for extended year programs. 	
	State Requirements	Federal Requirements
	M.G.L. c. 69, § 1G 603 CMR 28.05(4)(d) and (5)(c)	34 CFR 300.106
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The review of student records indicated that IEP Teams do not routinely consider whether the length of the school day and school year require modification. In addition, parent surveys expressed concern that the IEP Teams do not always consider the need for extended school year programming.

CRITERION NUMBER		
	Legal Standard	
SE 22	<p>IEP implementation and availability</p> <ol style="list-style-type: none"> 1. 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 	

	<p>accommodations, modifications, and supports that must be provided for the student under it</p> <p>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.</p>	
	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

Department of Elementary and Secondary Education Findings:

Staff interviews and parent surveys indicated that there is a lack of related service providers for speech and occupational therapy services, most notably (but not exclusively) at the high school level, that has led to delays in the provision of services or created limited availability of these services. In addition, at the High School Learning Center, the school lacks sufficient numbers of special education teachers and paraprofessionals to implement students' IEPs. A single paraprofessional operates within the school and is required in multiple classrooms simultaneously on a daily basis.

CRITERION NUMBER	SPECIAL EDUCATION III. PARENTAL INVOLVEMENT
	Legal Standard
SE 24	<p>Notice to parent regarding proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE</p> <ol style="list-style-type: none"> 1. A student may be referred for an evaluation by a parent or any person in a caregiving or professional position concerned with the student's development. 2. When a student is referred for an evaluation to determine eligibility for special education, the school district sends written notice to the child's parent(s) within 5 school days of receipt of the referral, along with the district's notice of procedural safeguards. The written notice meets all of the content requirements set forth in M.G.L. c.71B, §3, and in federal law, seeks the consent of the parent for the evaluation to occur, and provides the parent with the opportunity to express any concerns or provide information on the student's skills or abilities and to consult regarding the evaluators to be used. 3. For all other actions, the district gives notice complying with federal requirements within a reasonable time. 4. The school district provides the student's parent(s) with an opportunity to consult with the Special Education Administrator or his/her designee to discuss the reasons for the referral and the nature of the proposed evaluation 5. The district provides parents with an opportunity to consult with the Administrator of Special Education or his/her designee regarding the evaluators to be used and the proposed content of all required and optional assessments 6. The school district does not limit a parent's right to refer a student for timely special education evaluation because the district has not fully explored and/or attempted some or all of the available instructional support programs or other interventions available in

	<p>general education that may be described in the district’s curriculum accommodation plan, including any pre-referral program.</p> <p>7. The school district refuses to conduct an initial evaluation only when the circumstances of a student make clear that there is no suspicion of a disability and that there is no concern about the student’s development.</p>						
	<table border="1" style="width: 100%;"> <tr> <th style="text-align: center;">State Requirements</th> <th style="text-align: center;">Federal Requirements</th> </tr> <tr> <td>M.G.L. c. 71B, § 3; 603 CMR 28.04(1)</td> <td>34 CFR 300.503; 300.504(a)(1)</td> </tr> <tr> <td>Rating: Partially Implemented</td> <td>District Response Required: Yes</td> </tr> </table>	State Requirements	Federal Requirements	M.G.L. c. 71B, § 3; 603 CMR 28.04(1)	34 CFR 300.503; 300.504(a)(1)	Rating: Partially Implemented	District Response Required: Yes
State Requirements	Federal Requirements						
M.G.L. c. 71B, § 3; 603 CMR 28.04(1)	34 CFR 300.503; 300.504(a)(1)						
Rating: Partially Implemented	District Response Required: Yes						

Department of Elementary and Secondary Education Findings:

The student record review indicated that the Notices of Proposed School District Action (NI) do not always contain a description of the options considered by the IEP Team and the reasons why those options were rejected.

CRITERION NUMBER	Legal Standard
SE 25	<p>Parental consent In accordance with state and federal law, the school district obtains informed parental consent as follows:</p> <ol style="list-style-type: none"> 1. 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 child. 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 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

Department of Elementary and Secondary Education Findings:

Staff interviews indicated that multiple efforts are made to obtain parent consent to implement the IEP; however, in some instances these efforts were not documented in the student record. In addition, please see SE 18B.

CRITERION NUMBER		
	Legal Standard	
SE 26	<p>Parent participation in meetings</p> <ol style="list-style-type: none"> 1. The district ensures that one or both parents of a child are members of any group that makes decisions on the educational placement of their child. 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: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review indicated that in some instances, the district did not document its efforts to obtain parental participation in the IEP Team process or document whether other options, such as teleconferencing, were offered to parents. The student record review also determined that IEP Team meeting notices were not issued with sufficient advance notice to the parents for parents to arrange for participation. Staff interviews

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reported that telephone calls are made to secure a mutually agreeable date for the IEP Team meeting prior to sending the notice, however, a record of these telephone calls was not documented in the student record and, therefore, the Department's onsite team was unable to verify this practice.

CRITERION NUMBER		
	Legal Standard	
SE 32	<p>Parent advisory council for special education</p> <ol style="list-style-type: none"> 1. The school district has established a district-wide parent advisory council on special education. 2. Membership on the council is offered to all parents of children with disabilities and other interested parties. 3. The parent advisory council duties include but are not limited to: advising the district on matters that pertain to the education and safety of students with disabilities; meeting regularly with school officials to participate in the planning, development, and evaluation of the school district's special education programs. 4. The parent advisory council has established by-laws regarding officers and operational procedures. 5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff and resources. 6. The school district conducts, in cooperation with the parent advisory council, at least one workshop annually within the district on the rights of students and their parents and guardians under the state and federal special education laws. 	
	State Requirements	Federal Requirements
	M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Interviews and the document review indicated that the special education parent advisory council (PAC) does not participate in the evaluation of the district's special education programs.

CRITERION NUMBER		
	Legal Standard	
SE 34	<p>Continuum of alternative services and placements</p> <p>The district provides or arranges for the provision of each of the elements of the IEPs of students in need of special education from the ages of three through twenty-one, ensuring that a continuum of services and alternative placements is available to meet the needs of all students with disabilities, and takes all steps necessary to ensure compliance with all elements of the IEPs, including vocational education.</p>	
	State Requirements	Federal Requirements
	603 CMR 28.05(7)(b)	34 CFR 300.109; 300.110; 300.115
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Staff interviews and the document review indicated that there are concerns with the availability of programs for special education students with vocational needs and interests, as well as the availability of substantially separate Language Based programs at the high school level. Furthermore, staff interviews indicated a lack of special education teachers, paraprofessionals and related service staff at the high school level, which impedes the district's ability to provide a full spectrum of services and placements based on student need.

CRITERION NUMBER		
	Legal Standard	
SE 35	Assistive technology: specialized materials and equipment 1. Specialized materials and equipment specified in IEPs are provided. 2. The school district provides evidence that assistive technology is considered for each eligible student and—if the student needs it in order to receive a free, appropriate public education--described in the IEP and provided by the district.	
	State Requirements	Federal Requirements
		34 CFR 300.105; 300.324(a)(2)(v)
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Parent surveys indicated that the IEP Teams do not routinely consider the need for assistive technology for students.

CRITERION NUMBER		
	Legal Standard	
SE 36	IEP implementation, accountability and financial responsibility 1. Reserved. 2. The district oversees in an ongoing manner the full implementation of each in-district and each out-of-district IEP it proposes which has been consented to by a child’s parents. 3. Reserved. 4. The district provides all programs and services without expense to the child’s parents. 5. Each time the school district proposes to access the parent’s private insurance to support the costs of IEP implementation, the school district obtains the parent’s consent and informs the parents that their refusal to permit the school district to access their private insurance does not relieve the district of its responsibility to ensure that all required services are provided at no cost to the parents.	
	State Requirements	Federal Requirements
	603 CMR 28.06(3)	34 CFR 300.17(a); 300.101-104; 300.154
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Please see SE 22.

CRITERION NUMBER		
	Legal Standard	
SE 40	<p>Instructional grouping requirements for students aged five and older</p> <ol style="list-style-type: none"> 1. The size and composition of instructional groupings for eligible students receiving services outside the general education classroom are compatible with the methods and goals stated in each student's IEP. 2. Instructional grouping size requirements are maximum sizes and the school district exercises judgment in determining appropriate group size and supports for smaller instructional groups serving students with complex special needs. 3. When eligible students are assigned to instructional groupings outside of the general education classroom for <u>60% or less of the students' school schedule</u>, group size does not exceed <ol style="list-style-type: none"> a. 8 students with a certified special educator, b. 12 students if the certified special educator is assisted by 1 aide, and c. 16 students if the certified special educator is assisted by 2 aides 4. For eligible students served in settings that are substantially separate, serving solely students with disabilities for <u>more than 60% of the students' school schedule</u>, the district provides instructional groupings that do not exceed <ol style="list-style-type: none"> a. 8 students to 1 certified special educator or b. 12 students to 1 certified special educator and 1 aide. 5. After the school year has begun, if instructional groups have reached maximum size as delineated in paragraphs 3 and 4 of this criterion, the Administrator of Special Education <u>and</u> the certified special educator(s) providing services in an instructional group may decide to increase the size of an instructional grouping by no more than two additional students if the additional students have compatible instructional needs and then can receive services in their neighborhood school. 6. In such cases, the Administrator provides written notification to the Department and the parents of all group members of the decision to increase the instructional group size and the reasons for such decision. Such increased instructional group sizes are in effect only for the year in which they are initiated. 7. The district takes all steps necessary to reduce the instructional groups to the sizes outlined in paragraph 3 or 4 of this criterion for subsequent years. Such steps are documented by the district. 	
	State Requirements	Federal Requirements
	603 CMR 28.06(6)	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Staff interviews at the High School Learning Center indicated that an increase in instructional group size occurred since the start of the 2012-2013 school year and some special education groupings in room 209 now exceed 12 special education students with one licensed teacher and one assigned paraprofessional. The district's administrator and the licensed teacher of this classroom have not consulted regarding the increased sizes and have not provided notification to the parents of the affected populations or notification to the Department of Elementary and Secondary Education (ESE). In addition, specifically at the High School Learning Center, staff interviews reported that the sudden increase of special education students into the

school has led to issues in maintaining instructional grouping ratios and the effective implementation of services.

Staff interviews indicated that in some instances at the Guilmette Middle School, paraprofessionals assigned to a resource room setting are also used to facilitate full inclusion programs, which sometimes leads to the resource room exceeding the instructional grouping ratios because no other paraprofessional is available to assist the special education resource room teacher.

CRITERION NUMBER		
	Legal Standard	
<p>SE 49</p>	<p>Related services For 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:</p> <ol style="list-style-type: none"> 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, and 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

Department of Elementary and Secondary Education Findings:

See SE 22.

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES	
	Legal Standard	
<p>SE 55</p>	<p>Special education facilities and classrooms The school district provides facilities and classrooms for eligible students that</p> <ol style="list-style-type: none"> 1. maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each child's IEP; 3. are at least equal in all physical respects to the average standards of general education facilities and classrooms; 	

	4. are given the same priority as general education programs in the allocation of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students; and	
	5. are not identified by signs or other means that stigmatize such students.	
	State Requirements	Federal Requirements
	603 CMR 28.03(1)(b)	Section 504 of the Rehabilitation Act of 1973
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The onsite team's observations determined that at the Guilmette Elementary School, some rooms are identified as "resource rooms," which may stigmatize students who receive services in these settings.

CIVIL RIGHTS

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS III. PARENTAL INVOLVEMENT	
	Legal Standard	
CR 7	<p>Information to be translated into languages other than English</p> <ol style="list-style-type: none"> 1. Important information and documents, e.g. handbooks and codes of conduct, being distributed to parents are translated into the major languages spoken by parents or guardians with limited English skills; the district has established a system of oral interpretation to assist parents/guardians with limited English skills, including those who speak low-incidence languages. 2. School or program recruitment and promotional materials being disseminated to residents in the area served by the school or program are translated into the major languages spoken by residents with limited English skills. 	
	Title VI; EEOA: 20 U.S.C. 1703(f); M.G.L. c. 76, s. 5; 603 CMR 26.02(2)	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Staff interviews indicated that while every effort is made to ensure the provision of oral translations at the school level, the district does not have a reliable process for securing and providing translations for low incidence languages that are encountered in the district.

CRITERION NUMBER		
	Legal Standard	
CR 7B	<p>Structured learning time</p> <ol style="list-style-type: none"> 1. The school district ensures that its structured learning time is time during which students are engaged in regularly scheduled instruction, learning, or assessments within the curriculum of core subjects and other subjects as defined in 603 CMR 27.02 (including physical education, required by M.G.L. c. 71, s. 3). The district's structured learning time may include directed study (activities directly related to a program of studies, with a teacher available to assist students), independent study (a rigorous, individually designed program under the direction of a teacher, assigned a grade and credit), technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments. 2. The district ensures that its structured learning time does not include time at breakfast or lunch, passing between classes, in homeroom, at recess, in non-directed study periods (study halls), participating in optional school programs, or receiving school services such as health screening, speech, or physical and occupational therapy, except where those services are prescribed by a student's IEP or Section 504 Accommodation Plan. 3. The hours spent in any type of structured learning time are verified by the school district. Where the school district counts independent study or a school-to-work program as structured learning time, it has guidelines that explain clearly how hours spent by students are verified. 	

	M.G.L. c. 69, § 1G; 603 CMR 27.02, 27.04
Rating:	Partially Implemented
District Response Required:	Yes

Department of Elementary and Secondary Education Findings:

Staff interviews indicated that at the Human Leadership Development (HLD) High School, physical education is not provided to all students in all grades each school year.

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION
	Legal Standard
CR 18	<p>Responsibilities of the school principal</p> <ol style="list-style-type: none"> 1. 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. <i>(The plan may be part of a multi-year strategic plan.)</i> 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.	
	M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

Staff interviews and the review of documentation indicated that the last update of the district's curriculum accommodation plan (DCAP) was in 2004. The district's DCAP may include current teacher supports for students with behavioral needs, possible classroom accommodations and interventions, regular education reading instructional assistance available in schools, teacher mentoring for the implementation of best practices and other academic supports available through regular education initiatives. The purpose of the plan is to articulate the availability of resources that support regular classroom teachers in their efforts to analyze and accommodate the diverse learning needs of students.

ENGLISH LEARNER EDUCATION

CRITERION NUMBER	ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PLACEMENT	
	Legal Standard	
ELE 3	<p>Initial Identification The district uses qualified staff and appropriate procedures and assessments to identify students who are limited-English-proficient and to assess their level of English proficiency in reading, writing, speaking, and listening.</p> <p>Authority: Title VI: EEOA; MGL c.71A, § 4,5; 603 CMR 14.02; MGL c.76 § 5; 603 CMR 26.03</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

The student record review and documentation review indicated that the Home Language Survey is available in English and Spanish, but not available in the other major languages of the district such as Vietnamese and Khmer.

CRITERION NUMBER	
	Legal Standard
<p>ELE 5</p>	<p>Program Placement and Structure</p> <ol style="list-style-type: none"> 1. The district places LEP students in <ol style="list-style-type: none"> a. "sheltered English immersion" (SEI) classrooms (SEI has two components, English as a Second Language (ESL)/English Language Development (ELD) instruction and sheltered content instruction as described in M.G.L. c. 71A, §§ 2 and 4); or b. "two-way bilingual" classrooms, in which students develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of an equal number of proficient English speakers and proficient speakers of the other language; or c. (for kindergarten students) either a sheltered English immersion, two-way bilingual, or an English-only language general education classroom with assistance in English language acquisition, including, but not limited to, ESL; or d. (as a result of an approved waiver) bilingual education or another educationally recognized and legally permitted English language learner program, in which the students are taught all courses required by law and by the school district. 2. Regardless of the program model, districts provide LEP students with content instruction that is based on the Massachusetts Curriculum Frameworks. 3. Regardless of the program model, districts provide ESL/ELD instruction that is based on the English Language Proficiency Benchmarks and Outcomes. 4. The district uses assessment data to plan and implement educational programs for students at different instructional levels. <p style="text-align: center;">Authority: Title VI; EEOA; M.G.L. c. 71A, §§ 2, 4, 7</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

Administrative interviewing and district documentation indicated that at the time of the review not all English Language Learners (ELLs) were receiving English Language Development from appropriately licensed English as Second Language (ESL) teachers within the district. The documentation and administrative interviews indicated that not all teachers of ELLs were trained in the four category trainings (as they existed at the time) to provide effective sheltered content instruction. Furthermore, the district has from the 2013-14 SY until the end of 2015-16 SY to ensure that all of their core academic teachers with ELLs in their classrooms, as well as administrators that supervise those teachers, take one of the SEI Endorsement courses offered by the Department and this will be reflected in the district's corrective action plan (CAP).

In regards to the district's English Language Development Standards (ELD), the district submitted its K-12 ESL Curriculum dated August 2009 which is based on the Massachusetts English Language Proficiency Benchmarks (ELPBO). However, ELL students are not being provided with content instruction and ESL instruction that is aligned to and anchored in the 2011 Massachusetts Curriculum Frameworks and the WIDA ELD standards due to the short time between the changes in regulations (June 2012) and this review. The changes in regulations will also affect the district's CAP regarding the ELD curriculum. Please refer to: <http://www.doe.mass.edu/retell/for> more information on the regulations.

CRITERION NUMBER	
	Legal Standard
ELE 9	<p>Instructional Grouping</p> <ol style="list-style-type: none"> 1. The district only groups LEP students of different ages together in instructional settings if their levels of English proficiency are similar. 2. The district's grouping of students ensures that LEP students receive effective content instruction at appropriate academic levels and that ESL/ELD instruction is at the appropriate proficiency level and based on the English Language Proficiency Benchmarks and Outcomes. <p>Authority: Title VI; EEOA; M.G.L. c. 71A, § 4</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

Please see ELE 5 for further information regarding licensure requirements in regard to the SEI Endorsement courses.

CRITERION NUMBER	
	Legal Standard
ELE 10	<p>Parental Notification</p> <p>1. Upon placement in any ELE program, and annually thereafter, a notice is mailed to the parents or guardians written in the primary/home language as well as in English, that informs parents of:</p> <ul style="list-style-type: none"> (a) the reasons for identification of the student as Limited English Proficient (LEP); (b) the child's level of English proficiency; (c) program placement and/or the method of instruction used in the program; (d) how the program will meet the educational strengths and needs of the student; (e) how the program will specifically help the child learn English; (f) the specific exit requirements; and (g) the parents' right to apply for a waiver (see ELE 4), or to decline to enroll their child in the program (see ELE 8). <p>(All districts need to comply with a-c and g. Title 111 districts must comply with a-g. Title III districts must send parental notification no later than 30 days after the beginning of the school year.)</p> <p>2. The district provides to parents and guardians of LEP students, report cards, and progress reports in the same manner and with the same frequency as general education reporting. The reports are, to the maximum extent possible, written in a language understandable to the parent/guardian.</p> <p>Authority: NCLB, Title BI; M.G.L. c. 71A, § 7; 603 CMR 14.02</p>
	Rating: Partially Implemented District Response Required:

Department of Elementary and Secondary Education Findings:

The review of English language learner student records indicated that the district is using two different parent notification letters; one of the letters does not contain all of the required elements. Specifically, the parent's right to apply for a waiver and the specific exit requirements from the English language

CRITERION NUMBER	ENGLISH LEARNER EDUCATION V. STUDENT SUPPORT SERVICES
	Legal Standard
ELE 11	<p>Equal Access to Academic Programs and Services</p> <ol style="list-style-type: none"> 1. The districts does not segregate LEP students from their English-speaking peers, except where programmatically necessary, to implement an English learner education program. 2. The district ensures that LEP students participate fully with their English-speaking peers and are provided support in non-core academic courses. 3. The district ensures that LEP students have the opportunity to receive support services, such as guidance and counseling, in a language that the student understands. 4. The district ensures that LEP students are taught to the same academic standards and curriculum as all students, and provides the same opportunities to master such standards as other students, including the opportunity to enter academically advanced classes, receive credit for work done, and have access to the full range of programs. 5. The district uses grade appropriate content objectives for LEP students that are based on the district curricula in English language arts, history and social science, mathematics, and science and technology/engineering, taught by qualified staff members. 6. Reserved 7. The district provides access to the full range of academic opportunities and supports afforded non-LEP students, such as special education services, Section 504 Accommodation Plans, Title I services, career and technical education, and the supports outlined in the district's curriculum accommodation plan. 8. Information in notices such as activities, responsibilities, and academic standards provided to all students is provided to LEP students in a language and mode of communication that they understand. <p>Authority: Title VI; EEOA; M.G.L. c. 71, § 38Q1/2; 603 CMR 28.03(3)(a); c. 71A, § 7; c. 76, § 5; 603 CMR 26.03; 603 CMR 26.07(8)</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

Please see ELE 5.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
ELE 14	<p>Licensure Requirements</p> <ol style="list-style-type: none"> 1. Reserved. 2. (a) Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license under G.L. c.71, § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.) (b) Except at Commonwealth charter schools, <i>every</i> teacher or other educational staff member who teaches limited English proficient students holds an appropriate license or current waiver issued by the Department of Elementary and Secondary Education. (c) All teachers and other educational staff who teach LEP students, including those at Commonwealth charter schools, have received or are engaged in the professional development described in Attachment 1 to the commissioner's memorandum of June 15, 2004. (See p. 8 at http://www.doe.mass.edu/ell/sei/qualifications.pdf) 3. Except at Commonwealth charter schools, any director of English language learner programs who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language, Transitional Bilingual Education, or English Language Learners license. 4. If a district with 200 or more LEP students—including any Commonwealth charter school with 200 or more LEP students—has a director of English language learner programs, that director has an English as a Second Language, Transitional Bilingual Education, or English Language Learners license even if he or she is employed in that position for less than one-half time. (This requirement does not apply separately to Horace Mann charter schools.) <p>Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(qq); St. 2002, c. 218, §§ 24, 25, 30; 603 CMR 7.04(3), 7.09(3)</p>	
	Rating: Partially Implemented	District Response Required: Yes

Department of Elementary and Secondary Education Findings:

At the time of the review, administrative interviews and district documentation indicated that not all district ESL teachers that provide students with English Language Development instruction at the elementary, middle and high school level hold appropriate Massachusetts licensure.

Please see ELE 5 for further information regarding licensure requirements concerning the SEI Endorsement courses.

CRITERION NUMBER	
	Legal Standard
ELE 15	<p>Professional Development Requirements District schools with LEP students implement a professional development plan that provides teachers and administrators with high quality training, as prescribed by the Department, in (1) second language learning and teaching; (2) sheltering content instruction; (3) assessment of speaking and listening; and (4) teaching reading and writing to limited English proficient students. The school provides training opportunities to teachers of LEP students that ensure the progress of LEP students in developing oral comprehension, speaking, reading, and writing of English, and in meeting academic standards.</p> <p style="text-align: center;">Authority: NCLB, Title III</p>
	<p>Rating: Partially Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

While the district is in cohort two and therefore has until the end of the 2015-16 school year to ensure that all of its core academic teachers with ELLs in their classrooms, and administrators that supervise those teachers, take the SRI Endorsement Course, interviews and documentation indicated that not all teachers of ELLs were trained in the four category trainings (as they existed at the time) to provide effective sheltered content instruction. Please see ELE 5 for further information regarding licensure requirements as regards to the SEI Endorsement courses.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION
	Legal Standard
ELE 17	<p>Program Evaluation The district conducts periodic evaluations of the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program. Where the district documents that the program is not effective, it takes steps to make appropriate program adjustments or changes that are responsive to the outcomes of the program evaluation.</p> <p style="text-align: center;">Authority: Title VI; EEOA</p>
	<p>Rating: Not Implemented District Response Required: Yes</p>

Department of Elementary and Secondary Education Findings:

The district did not submit any documentation verifying that it conducts a periodic evaluation of its ELL program.

CRITERION NUMBER	ENGLISH LEARNER EDUCATION IX. RECORD KEEPING
	Legal Standard
ELE 18	<p>Records of LEP Students</p> <p>LEP student records include:</p> <ul style="list-style-type: none"> (a) home language survey; (b) results of identification and proficiency tests and evaluations, including MELA-O, MEPA, MCAS, or other tests chosen by the Board of Education and the district; (c) information about students' previous school experiences; (d) copies of parent notification letters, progress reports and report cards (in the native language, if necessary); (e) evidence of follow-up monitoring (if applicable); (f) documentation of a parent's consent to "opt-out" of English learner education, if applicable; (g) waiver documentation, if applicable; and (h) Individual Student Success Plans for students who have failed MCAS, if the district is required to complete plans for non-LEP students. <p>Authority: Title VI; EEOA; M.G.L. c. 69, § 1I; c. 71A, §§ 5, 7; 603 CMR 14.02, 14.04</p>

	Rating: Partially Implemented	District Response Req^d Yes
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Department of Elementary and Secondary Education Findings:

The review of student records determined that copies of English language learner progress reports and report cards translated into the primary language of the home were not kept in the student record.