

**Westford Public Schools**

**COORDINATED PROGRAM REVIEW  
REPORT OF FINDINGS**

**Dates of Onsite Visit: January 30, 2017 - February 3, 2017**

**Date of Draft Report: April 12, 2017**

**Date of Final Report: May 25, 2017**

**Action Plan Due: June 23, 2017**

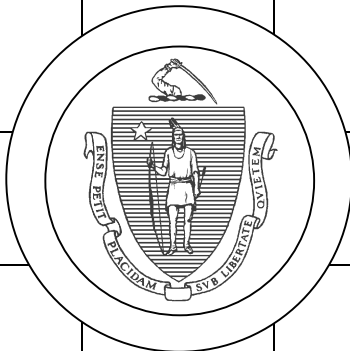
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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
COORDINATED PROGRAM REVIEW REPORT**

**Westford Public Schools**

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**MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
COORDINATED PROGRAM REVIEW REPORT**

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**SCOPE OF COORDINATED PROGRAM REVIEWS**

As one part of its accountability system, the Department of Elementary and Secondary Education oversees local compliance with education requirements through the Coordinated Program Review (CPR). All reviews cover selected requirements in the following areas:

Special Education (SE)

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007. The 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria.

Civil Rights Methods of Administration and Other General Education Requirements (CR)

- selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
- selected requirements from the Massachusetts Board of Education's Physical Restraint regulations (603 CMR 46.00).
- selected requirements from the Massachusetts Board of Education's Student Learning Time regulations (603 CMR 27.00).
- various requirements under other federal and state laws.
- The 2016 - 2017 Web-based Monitoring System (WBMS) districts conducted self-assessments across all criteria

English Learner Education (ELE) in Public Schools

- selected requirements from M.G.L. c. 71A, the state law that governs the provision of education to limited English proficient students, and 603 CMR 14.00, as well as the No Child Left Behind Act of 2001 and Title VI of the Civil Rights Act of 1964. During the 2016 - 2017 school year, all districts that enroll limited English proficient students will be reviewed using a combination of updated standards and a self-assessment instrument overseen by the Department's Office of Language Acquisition and Academic Achievement (OLAAA), including a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

Career/Vocational Technical Education (CVTE)

- career/vocational technical education programs under the federal Carl D. Perkins Vocational and Technical Education Act of 1998 and M.G.L. c. 74.

Districts providing Title I services participate in Title I program monitoring during the same year they are scheduled for a Coordinated Program Review. Details regarding the Title I program monitoring process are available at: <http://www.doe.mass.edu/titlei/monitoring>.

## COORDINATED PROGRAM REVIEW ELEMENTS

**Team:** Depending upon the size of a school district and the number of programs to be reviewed, a team of one to eight Department staff members conducts onsite activities over two to five days in a school district or charter school.

**Timing:** Each school district and charter school in the Commonwealth is scheduled to receive a Coordinated Program Review every six years and a mid-cycle special education follow-up visit three years after the Coordinated Program Review; about seventy school districts and charter schools are scheduled for Coordinated Program Reviews in 2016 - 2017, of which all districts participated in the Web-based Monitoring System (WBMS). The Department's 2016 - 2017 schedule of Coordinated Program Reviews is posted on the Department's web site at <<<http://www.doe.mass.edu/pqa/review/cpr/schedule.html>>>. The statewide six-year Program Review cycle, including the Department's Mid-cycle follow-up monitoring schedule, is posted at <<<http://www.doe.mass.edu/pqa/review/cpr/6yrcycle.html>>>.

**Criteria:** The Program Review criteria for each WBMS review, begins with the district/school conducting a self-assessment across all fifty-two current special education criteria and thirty-five civil rights criteria. The Office of Public School Monitoring through its Desk Review procedures examines the district/school's self-assessment submission and determines which criteria will be followed-up on through onsite verification activities. For more details, please see the section on **The Web-based Approach to Special Education and Civil Rights Monitoring** at the beginning of the School District Information Package for Special Education and Civil Rights.

The requirements selected for review in all of the regulated programs are those that are most closely aligned with the goals of the Massachusetts Education Reform Act of 1993 to promote student achievement and high standards for all students.

**WBMS Methods:** Methods used in reviewing special education and civil rights programs include:

Self-Assessment Phase:

- District/school review of special education and civil rights documentation for required elements including document uploads. Upon completion of this portion of the district/school's self-assessment, it is submitted to the Department for review.
- District/school review of a sample of special education student records selected across grade levels, disability categories and level of need. Additional requirements for the appropriate selection of the student record sample can be found in **Appendix II: Student Record Review Procedures** of the School District Information Package for Special Education.

Upon completion of these two portions of the district/school's self-assessment, it is submitted to the Department for review.

On-site Verification Phase: Includes activities selected from the following;

- 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 other parents or members of the general public.
- Review of student records for special education: The Department may select a sample of student records from those the district reviewed as part of its self-assessment, as well as records chosen by the Department from the special education student roster. The onsite team will conduct this review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
- Surveys of parents of students with disabilities: Parents of students with disabilities whose files are selected for the record review, as well as the parents of an equal number of other students with disabilities, are sent a survey that solicits information regarding their experiences with the district's implementation of special education programs, related services, and procedural requirements.
- Observation of classrooms and other facilities: The onsite team visits 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.
- Review of additional documents for special education or civil rights.

**Methods for all other programs in the Coordinated Program Review:**

- Review of documentation about the operation of the charter school or district's programs.
- Interviews of administrative, instructional, and support staff across all grade levels.
- Telephone interviews as requested by other parents or members of the general public.
- Review of student records for English learner education and career/vocational technical education: The Department selects a representative sample of student records for the onsite team to review, using standard Department procedures, to determine whether procedural and programmatic requirements have been implemented.
- Surveys of parents of English learners whose files are selected for the record review are sent a survey of their experiences with the district's implementation of the English learner education program and related procedural requirements.
- Observation of classrooms and other facilities: The onsite team visits 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.

**Report: Preparation:**

At the end of the onsite visit, the onsite team will hold an informal exit meeting to summarize its comments for the superintendent or charter school leader and anyone else he or she chooses. Within approximately 45 business days of the onsite visit, the onsite chairperson

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will forward to the superintendent or charter school leader (and collaborative director where applicable) a Draft Report containing comments from the Program Review. The Draft Report comments for special education and civil rights are provided to the district/school on-line through the Web-based Monitoring System (WBMS). These comments will, once the district has had a chance to respond, form the basis for any findings by the Department. The district (and collaborative) will then have 10 business days to review the report for accuracy before the publication of a Final Report with ratings and findings (see below). The Final Report will be issued within approximately 60 business days of the conclusion of the onsite visit and posted on the Department's website at <<http://www.doe.mass.edu/pqa/review/cpr/reports/>>.

**Content of Final Report:**

*Ratings.* In the Final Report, the onsite team gives a rating for each compliance criterion it has reviewed; those ratings are “Commendable,” “Implemented,” “Implementation in Progress,” “Partially Implemented,” “Not Implemented,” and “Not Applicable.” “Implementation in Progress,” used for criteria containing new or updated legal requirements, means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.

*Findings.* The onsite team includes a finding in the Final Report for each criterion that it rates “Commendable,” “Partially Implemented,” “Not Implemented,” or “Implementation in Progress,” explaining the basis for the rating. It may also include findings for other related criteria.

**Response:** Where criteria are found “Partially Implemented” or “Not Implemented”, the district or charter school must propose corrective action to bring those areas into compliance with the relevant statutes and regulations. This corrective action plan (CAP) will be due to the Department within 20 business days after the issuance of the Final Report and is subject to the Department's review and approval. Department staff will offer districts and charter schools technical assistance on the content and requirements for developing an approvable CAP.

Department staff will also provide ongoing technical assistance as the school or district is implementing the approved corrective action plan. **School districts and charter schools must demonstrate effective resolution of noncompliance identified by the Department as soon as possible but in no case later than one year from the issuance of the Department's Final Program Review Report.**

## INTRODUCTION TO THE FINAL REPORT

A three-member Massachusetts Department of Elementary and Secondary Education team visited Westford Public Schools during the week of January 30, 2017 to evaluate the implementation of selected criteria in the program areas of special education, civil rights and other related general education requirements, and English learner education. The team appreciated the opportunity to interview staff and parents, to observe classroom facilities and to review the programs underway in the district.

The Department is submitting the following Coordinated Program Review Report containing findings made pursuant to this onsite visit. 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:

- Interviews of 12 administrative staff.
- Interviews of 51 teaching and support services staff across all levels.
- Interview of one parent advisory council (PAC) representative.
- Interviews as requested by persons from the general public.
- Student record reviews: Samples of 36 special education student records and 16 English learner education student records.
- Surveys of parents of students with disabilities: Fifty parents of students with disabilities were sent surveys that solicited information about their experiences with the district's implementation of special education programs, related services and procedural requirements. Ten of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Surveys of parents of ELE students: Ten parents of ELE students were sent surveys that solicited information about their experiences with the district's implementation of English learner education programs, services, and procedural requirements. Five of these parent surveys were returned to the Department of Elementary and Secondary Education for review.
- Observation of classrooms and other facilities. A sample of 14 instructional classrooms and other school facilities used in the delivery of programs and services was visited to examine general levels of compliance with program requirements.

The report includes findings in the program areas reviewed organized under nine components. These components are:

- Component I: Assessment of Students**
- Component II: Student Identification and Program Placement**
- Component III: Parent and Community Involvement**
- Component IV: Curriculum and Instruction**
- Component V: Student Support Services**
- Component VI: Faculty, Staff and Administration**
- Component VII: Facilities**
- Component VIII: Program Evaluation**
- Component IX: Recordkeeping and Fund Use**

The district conducted a self-assessment and the Department reviewed all of the criteria in the specific program areas. The Coordinated Program Review 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," or “Implementation in Progress.” (Refer to the “Definition of Compliance Ratings” section of the report.) **Program Review Reports no longer include criteria receiving a rating of “Implemented” or “Not Applicable.”** This change will allow the district and the Department to focus their efforts on those areas requiring corrective action. For those criteria receiving a rating of “Partially Implemented” or “Not Implemented,” the district or charter school must propose to the Department corrective actions to bring those areas into compliance with the controlling statute or regulation. For any criteria receiving a rating of “Implementation in Progress,” the district must indicate the steps the district will continue to take in order to fulfill the regulatory requirements. Districts are expected to incorporate the corrective actions into their district and school improvement plans, including their professional development plans.



## DEFINITION OF COMPLIANCE RATINGS

<b>Commendable</b>	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
<b>Implemented</b>	The requirement is substantially met in all important aspects.
<b>Implementation in Progress</b>	This rating is used for criteria containing new or updated legal requirements and means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.
<b>Partially Implemented</b>	The requirement, in one or several important aspects, is not entirely met.
<b>Not Implemented</b>	The requirement is totally or substantially not met.
<b>Not Applicable</b>	The requirement does not apply to the school district or charter school.

**Westford Public Schools**

**SUMMARY OF COMPLIANCE CRITERIA RATINGS**

	<b>Special Education</b>	<b>Civil Rights and Other General Education Requirements</b>	<b>English Learner Education</b>
<b>IMPLEMENTED</b>	SE 1, SE 2, SE 3, SE 3A, SE 4, SE 5, SE 6, SE 7, SE 8, SE 9, SE 9A, SE 10, SE 11, SE 12, SE 13, SE 14, SE 15, SE 16, SE 17, SE 18A, SE 18B, SE 19, SE 21, SE 22, SE 24, SE 25, SE 25A, SE 25B, SE 26, SE 27, SE 29, SE 33, SE 34, SE 35, SE 36, SE 37, SE 38, SE 39A, SE 39B, SE 40, SE 41, SE 42, SE 43, SE 44, SE 45, SE 46, SE 47, SE 48, SE 49, SE 50, SE 51, SE 52, SE 52A, SE 53, SE 54, SE 56, SE 59	CR 6, CR 7, CR 7A, CR 7B, CR 7C, CR 8, CR 10, CR 10C, CR 11A, CR 13, CR 14, CR 18, CR 20, CR 21, CR 22, CR 24, CR 25, CR 26A	ELE 1, ELE 2, ELE 4, ELE 5, ELE 6, ELE 7, ELE 8, ELE 9, ELE 10, ELE 11, ELE 12, ELE 13, ELE 14, ELE 15, ELE 18
<b>PARTIALLY IMPLEMENTED</b>	SE 20, SE 32, SE 55	CR 3, CR 9, CR 10A, CR 10B, CR 12A, CR 15, CR 16, CR 17A, CR 18A, CR 23	ELE 3, ELE 16
<b>NOT IMPLEMENTED</b>			ELE 17

**SPECIAL EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER		
	Legal Standard	
SE 20	<p><b>Least restrictive program selected</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. The district does not remove an eligible student from the general education classroom solely because of needed modification in the curriculum.</li> <li>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.</li> </ol>	
	State Requirements	Federal Requirements
	M.G.L. c. 71B, § 3 603 CMR 28.06(2)	34 CFR 300.114-120
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of student records indicated that when a student is removed from the general education classroom at any time, the Team does not always state 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.*

CRITERION NUMBER		
	Legal Standard	
SE 32	<p><b>Parent advisory council for special education</b></p> <ol style="list-style-type: none"> <li>1. The school district has established a district-wide parent advisory council on special education.</li> <li>2. Membership on the council is offered to all parents of students with disabilities and other interested parties.</li> <li>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.</li> <li>4. The parent advisory council has established by-laws regarding officers and operational procedures.</li> <li>5. The parent advisory council receives assistance from the school committee without charge, upon reasonable notice, and subject to the availability of staff</li> </ol>	

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
	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.	
	<b>State Requirements</b>	<b>Federal Requirements</b>
	M.G.L. c. 71B, § 3; 603 CMR 28.03(1)(a)(4); 28.07(4)	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Staff and parent interviews and a review of documentation indicated that the parent advisory council duties do not include advising the district on matters that pertain to the education and safety of students with disabilities through participation in the evaluation of the school district's special education programs.*

<b>CRITERION NUMBER</b>	<b>SPECIAL EDUCATION VII. SCHOOL FACILITIES</b>	
	<b>Legal Standard</b>	
<b>SE 55</b>	<b>Special education facilities and classrooms</b> The school district provides facilities and classrooms for eligible students that 1. maximize the inclusion of such students into the life of the school; 2. provide accessibility in order to implement fully each student'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.	
	<b>State Requirements</b>	<b>Federal Requirements</b>
	603 CMR 28.03(1)(b)	Section 504 of the Rehabilitation Act of 1973
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Observations indicated that special education classrooms are not consistently equal in all physical respects to the average standards of general education facilities and classrooms. Specifically, at the Norman Day School, speech and language services are provided concurrently with 3rd grade special education services in room 201. This results in increased visual and auditory distractions. Likewise, in room 202, English language learners are served concurrently in a shared space with 4th grade special education and the occupational therapist, causing increased visual and auditory distractions.*

**CIVIL RIGHTS  
METHODS OF ADMINISTRATION (CR)  
AND  
OTHER RELATED GENERAL EDUCATION  
REQUIREMENTS**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS II. STUDENT IDENTIFICATION AND PLACEMENT</b>	
	<b>Legal Standard</b>	
<b>CR 3</b>	<p><b>Access to a full range of education programs</b> All students, regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness, have equal access to the general education program and the full range of any occupational/vocational education programs offered by the district.</p>	
	<p>Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 2004: 20 U.S.C. 1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03 as amended by Chapter 199 of the Acts of 2011</p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation indicated that the district's statement regarding access to a full range of educational programs does not include gender identity, disability and homelessness.*

CRITERION NUMBER		
	<b>Legal Standard</b>	
<b>CR 9</b>	<p><b>Hiring and employment practices of prospective employers of students</b> 1. The district requires employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, handicap, religion and sexual orientation. 2. Prospective employers to whom this criterion applies include those participating in career days and work-study and apprenticeship training programs, as well as those offering cooperative work experiences.</p>	
	<p>Authority: M.G.L. c. 76, § 5; 603 CMR 26.07(5) as amended by Chapter 199 of the Acts of 2011.</p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation and interviews indicated that the district does not require employers recruiting at the school to sign a statement that the employer complies with applicable federal and state laws prohibiting discrimination in hiring or employment practices and the statement specifically includes the following protected categories: race, color, national origin, sex, gender identity, handicap, religion and sexual orientation.*

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS V. STUDENT SUPPORT SERVICES	
	Legal Standard	
CR 10A	<p><b>Student handbooks and codes of conduct</b></p> <ol style="list-style-type: none"> <li>1.               <ol style="list-style-type: none"> <li>a. The district has a code of conduct for students and one for teachers.</li> <li>b. The principal of every school containing grades 9-12 prepares, in consultation with the school council, a student handbook containing the student code of conduct and distributes it to each student annually, as well as to parents and school personnel; the school council reviews and revises the student code of conduct every year.</li> <li>c. The principal of every school containing other grades distributes the district’s student code of conduct to students, parents, and personnel annually.</li> <li>d. At the request of a parent or student whose primary language is not English, a student handbook or student code of conduct is translated into that language.</li> </ol> </li> <li>2. Student codes of conduct contain:               <ol style="list-style-type: none"> <li>a. procedures assuring due process in disciplinary proceedings and</li> <li>b. the district’s responsibility to provide every student with an opportunity to make academic progress during the period of suspension whether in-school, out-of-school, or expulsion.</li> <li>c. appropriate procedures for the discipline of students with disabilities and students with Section 504 Accommodation Plans.</li> <li>d. if a charter school or a virtual school, the designation by the board of trustees as to who shall serve as the principal and who shall serve as superintendent for the purpose of 603 CMR 53.00.</li> </ol> </li> <li>3. Student handbooks and codes of conduct reference M.G.L. c. 76, s. 5 and contain:               <ol style="list-style-type: none"> <li>a. a nondiscrimination policy that is consistent with M.G.L. c. 76, s. 5, and affirms the school’s non-tolerance for harassment based on race, color, national origin, sex, gender identity, religion, or sexual orientation, or discrimination on those same bases;</li> <li>b. the school’s procedure for accepting, investigating and resolving complaints alleging discrimination or harassment; and</li> <li>c. the disciplinary measures that the school may impose if it determines that harassment or discrimination has occurred.</li> </ol> </li> </ol>	
	Section 504; M.G.L. c. 71, § 37H; M.G.L. c. 71, § 37H ¾; 603 CMR 53.00; 603 CMR 26.08 as amended by Chapter 199 of the Acts of 2011	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation indicated that the non-discrimination statement contained in the district's PreK-5 and 9-12 level handbooks does not include gender identity as a protected category. School Committee policy, P5303, relating to harassment, does not include gender identity as a protected category.*



*A review of documentation also indicated that the PreK-5 grade level code of conduct does not include appropriate procedures for the discipline of students with disabilities and students with Section 504 Accommodation Plans.*

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>CR 10B</b>	<p><b>Bullying Intervention and Prevention</b></p> <ol style="list-style-type: none"> <li>1. Public schools (including charter schools and collaboratives) must update school handbooks to conform to their updated amended Bullying Prevention and Intervention Plan (Plan). The school handbook (and local updated Plan) must be consistent with the amendments to the Massachusetts anti-bullying law, which became effective July 1, 2013. The amendments extend protections to students who are bullied by a member of the school staff. As defined in G.L. c. 71, 37O, as amended, a member of the school staff includes, but is not limited to, an “educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional.” The school handbook must make clear that a member of the school staff may be named the “aggressor” or “perpetrator” in a bullying report.</li> <li>2. School and district employee handbooks must also contain relevant sections of the amended Plan relating to the duties of faculty and staff and relevant provisions addressing the bullying of students by a school staff member.</li> <li>3. Each year all school districts and schools must give parents and guardians annual written notice of the student-related sections of the local Plan.</li> <li>4. Each year all school districts and schools must provide all staff with annual written notice of the Plan.</li> <li>5. All schools and school districts must implement, for all school staff, professional development that includes 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; research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; information on the incidence and nature of cyber-bullying; and internet safety issues as they relate to cyber-bullying.</li> </ol>	
	M.G.L. c. 71, s. 37H, as amended by Chapter 92 of the Acts of 2010. M.G.L. c. 71, s. 37O(e)(1) & (2). M.G.L. c. 71, s. 370(d), as amended.	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation indicated that although the district has a Bullying Intervention and Prevention Plan, the PreK-5 and 9-12 grade level handbooks do not include members of school staff in their definition of "aggressor" nor do these school handbooks make clear that a member of the school staff may be named the "aggressor" or "perpetrator" in a bullying report.*

CRITERION NUMBER		
	Legal Standard	
CR 12A	<p><b>Annual and continuous notification concerning nondiscrimination and coordinators</b></p> <ol style="list-style-type: none"> <li>1. If the district offers vocational education programs, it advises students, parents, employees and the general public before the beginning of each school year that all vocational opportunities will be offered regardless of race, color, national origin, gender identity, sex or disability. The notice includes a brief summary of program offerings and admission criteria and the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.</li> <li>2. In all cases, the district takes continuing steps to notify applicants, students, parents, and employees (including those with impaired vision or hearing), as well as unions or professional organizations holding collective bargaining or professional agreements with the district, that it does not discriminate on the basis of race, color, national origin, gender identity, sex, or disability. This notice, also, includes the name(s), office address(es), and phone number(s) of the person(s) designated under CR 11A to coordinate compliance under Title IX and Section 504.</li> <li>3. Written materials and other media used to publicize a school include a notice that the school does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, religion, or sexual orientation.</li> </ol>	
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.6(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.8(a), 106.9; Section 504: 29 U.S.C. 794; 34 CFR 104.8; M.G.L. c. 76, § 5; 603 CMR 26.02(2) as amended by Chapter 199 of the Acts of 2011.	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings: Findings:**

*A review of documentation indicated that although written materials and other media used to publicize district schools include a notice that the school does not discriminate on the basis of race, color, national origin, sex, disability, religion, or sexual orientation, they do not consistently include gender identity as a protected category. Specifically, individual school web pages and web-based employment applications do not include gender identity as a protected category.*

CRITERION NUMBER		
	Legal Standard	
CR 15	<p><b>Non-discriminatory administration of scholarships, prizes and awards</b></p> <p>Scholarships, prizes and awards sponsored or administered by the district are free of restrictions based upon race, color, sex, gender identity, religion, national origin, sexual orientation or disability.</p> <p>Schools may post or print information regarding private restricted scholarships as long as no preferential treatment is given to any particular scholarship offered and as</p>	

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	long as the school does not endorse or recommend any such scholarship nor advise or suggest to a particular student that he or she apply for such a scholarship.
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.37; Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(1)(v); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(1)(v); Mass. Const. amend. art. 114; M.G.L. c. 76, § 5; 603 CMR 26.07(7) as amended by Chapter 199 of the Acts of 2011
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation indicated that although scholarships, prizes and awards sponsored or administered by the district are free of restrictions based upon race, color, sex, religion, national origin, sexual orientation or disability, the nondiscrimination assurance included in the district's document promoting and describing the list of Trustee Awards/Scholarships does not include gender identity as a protected category.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CR 16</b>	<p><b>Notice to students 16 or over leaving school without a high school diploma, certificate of attainment, or certificate of completion</b></p> <ol style="list-style-type: none"> <li>1. No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school where the student last attended has sent notice within 5 days from the student's tenth consecutive absence to the student and the parent/guardian of the student in English and the primary language of the parent or guardian (to the extent practicable). The notice shall offer at least two dates and times for an exit interview between the superintendent (or designee) and the student and the parent/guardian to occur prior to the student permanently leaving school. The notice shall include contact information for scheduling the exit interview and indicate that the parties shall agree to a date and time for the exit interview and that the interview shall occur within 10 days of the notice. The time and the date for the exit interview may be extended at the request of the parent/guardian but for no longer than 14 days. The superintendent or designee may proceed with an exit interview without a parent/guardian if the superintendent or designee makes a good faith effort to include the parent/guardian.</li> <li>2. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education programs and services available to the student. The superintendent (or designee) shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent/guardian. During the exit interview, the student shall be given information about the detrimental</li> </ol>

CRITERION NUMBER		
	Legal Standard	
	<p>effects of early withdrawal from school, the benefits of earning a high school diploma and a list of alternative education program and services available to the student.</p> <p>3. Any district serving students in high school grades sends annual written notice to former students who have not yet earned their competency determination and who have not transferred to another school</p> <ol style="list-style-type: none"> <li>a. to inform them of the availability of publicly funded post-high school academic support programs and</li> <li>b. to encourage them to participate in those programs.</li> </ol> <p>At a minimum, the district sends annual written notice by first class mail to the last known address of each such student who attended a high school in the district within the past two years.</p> <p>4. The Superintendent shall annually report to the Department the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement the student has taken.</p>	
	M.G.L. c. 76, §§ 5, 18; St. 1965, c. 741	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation indicated that while a notice is sent from the superintendent (or designee) within five days from a student's tenth consecutive absence regarding an exit interview, there is no evidence that it is sent to both the parent/guardian and the student. The notice does not offer at least two dates and times for an exit interview between the superintendent (or designee) and the student and the parent/guardian to occur prior to the student permanently leaving school; nor does it indicate that the time and the date for the exit interview may be extended at the request of the parent/guardian but for no longer than 14 days.*

CRITERION NUMBER		
	Legal Standard	
<b>CR 17A</b>	<p><b>Use of physical restraint on any student enrolled in a publicly-funded education program</b></p> <p>1. Public education programs must develop and implement written restraint prevention and behavior support policy and procedures consistent with new regulations 603CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.</p> <ol style="list-style-type: none"> <li>a. restraint prevention and behavior support policy and procedures shall be annually reviewed and provided to program staff and made available to parents of enrolled students.</li> <li>b. restraint prevention and behavior support policy and procedures shall include, but not be limited to: methods for preventing student violence, self-</li> </ol>	

CRITERION NUMBER		
	<b>Legal Standard</b>	
	<p>injurious behavior and suicide; methods for engaging parents and youth in discussions about restraint prevention and use; a description and explanation of the program’s alternatives to physical restraint and method of physical restraint in emergency situations; a statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of restraint inconsistent with 603 CMR 46.03; a description of the program’s training requirements, reporting requirements, and follow-up procedures; a procedure for receiving and investigating complaints; a procedure for conducting periodic review of data and documentation on the program’s use of restraint; a procedure for implementing the reporting requirements; a procedure for making both oral and written notification to the parent; and a procedure for the use of time-out.</p> <p>2. Each principal or director shall determine a time and method to provide all program staff with training regarding the program’s restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment.</p> <p>3. At the beginning of each school year, the principal of each public education program or his/her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall have in-depth training on the use of physical restraint.</p> <p>4. The program administers physical restraint on students only in emergency situations of last resort when needed to protect a student and/or member of the school community from assault or imminent, serious, physical harm and with extreme caution in order to prevent or minimize any harm to the student as a result of the use of physical restraint..</p>	
	M.G.L. c. 71, § 37G; 603 CMR 46.00 effective January 1, 2016	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation indicated that although the district has restraint prevention and behavior support policy and procedures, they do not include methods for preventing student violence, self-injurious behavior and suicide; and methods for engaging parents and youth in discussions about restraint prevention and use.*

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
CR 18A	<b>School district employment practices</b> District employment practices in general are free from discrimination on the basis of race, color, gender identity, national origin, sex, or disability. The district's employee recruitment is aimed at reaching all groups, including members of linguistic, ethnic, and racial minorities, females and males, and persons with disabilities.	
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(c); EEOA: 20 U.S.C. 1703(d); Title IX: 20 U.S.C. 1681; 34 CFR 106.51-106.61; Section 504: 29 U.S.C. 794; 34 CFR 104.11-104.14; Title II: 42 U.S.C. 12132; 28 CFR 35.140; Mass. Const. amend. art 114	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation indicated that the School Committee policy relating to equal employment opportunities does not include gender identity as a protected category.*

CRITERION NUMBER		
	Legal Standard	
CR 23	<b>Comparability of facilities</b> Where the district provides separate facilities for members of a specific group, those facilities are comparable to those offered other students in the district, including: <ol style="list-style-type: none"> <li>1. separate facilities for disabled, limited-English-proficient or pregnant students that are comparable to the facilities for other students in the district;</li> <li>2. Reserved.</li> </ol>	
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); Title IX: 20 U.S.C. 1681; 34 CFR 106.33, 106.40(b)(3); Section 504: 29 U.S.C. 794; 34 CFR 104.34(c); Mass. Const. amend. art. 114; 603 CMR 28.03(1)(b)	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*Observations indicated that separate facilities for disabled and limited-English-proficient students are not always comparable to the facilities for other students in the district. Specifically, in room 202 at the Norman Day School, English language learners are served concurrently in a shared space with 4th grade special education and the occupational therapist. This causes increased visual and auditory distractions.*

**ENGLISH LEARNER EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER	ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT	
	Legal Standard	
<b>ELE 3</b>	<p><b>Initial Identification</b></p> <ol style="list-style-type: none"> <li>1. The district uses qualified staff, appropriate procedures, and state-required assessments to identify students who are ELs and to assess their level of English proficiency in reading, writing, speaking, and listening.</li> <li>2. Each school district shall establish procedures, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may be English learners and assess their level of English proficiency upon their enrollment in the school district.</li> </ol> <p><b>Authority: Title VI; EEOA; G.L. c. 71A, §§ 4, 5; 603 CMR 14.02; G.L c. 76, § 5; 603 CMR 26.03</b></p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation and staff interviews indicated that the district has not established English language proficiency screening procedures to determine the proficiency level of each potential English learner (EL) preschool student. Please see the “Guidance on Identification, Assessment, Placement, and Reclassification of English Language Learners” at <http://www.doe.mass.edu/ell/Guidance.pdf>.*

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VII. SCHOOL FACILITIES	
	Legal Standard	
<b>ELE 16</b>	<p><b>Equitable Facilities</b></p> <p>The district ensures that ELs are provided facilities, materials and services comparable to those provided to the overall student population.</p> <p><b>Authority: Title VI; EEOA; G.L. c. 76, § 5; 603 CMR 26.07</b></p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*See CR 23.*



CRITERION NUMBER	ENGLISH LEARNER EDUCATION VIII. PROGRAM PLAN AND EVALUATION	
	<b>Legal Standard</b>	
<b>ELE 17</b>	<p><b>Program Evaluation</b> 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><b>Authority: Title VI; EEOA. Title III § 3121</b></p>	
	<b>Rating: Not Implemented</b>	<b>District Response Required: Yes</b>

**Department of Elementary and Secondary Education Findings:**

*A review of documentation and staff interviews indicated that the district does not have a comprehensive process to evaluate the effectiveness of its ELE programming in developing students' English language skills and increasing their ability to participate meaningfully in the district's educational program. Please see <http://www.doe.mass.edu/ell/ProgramEvaluation.pdf>.*

This Coordinated Program Review Final Report is also available at:  
<http://www.doe.mass.edu/pqa/review/cpr/reports/>.  
Profile information supplied by each charter school and school district, including information for  
individual schools within districts, is available at  
<http://profiles.doe.mass.edu/>.

WBMS Final Report 2017

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