



**Woburn Public Schools**

**COORDINATED PROGRAM REVIEW  
REPORT OF FINDINGS**

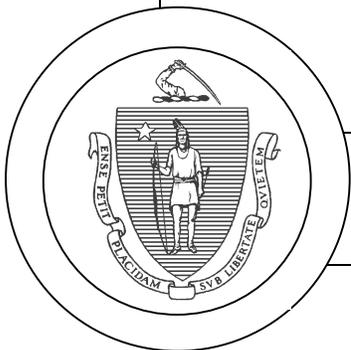
**Dates of Onsite Visit: November 13-17, 2017**

**Date of Draft Report: January 16, 2018**

**Date of Final Report: March 14, 2018**

**Action Plan Due: April 11, 2018**

**Department of Elementary and Secondary Education Onsite Team Members:  
Erin VandeVeer, Office of Public School Monitoring (PSM) Chair  
Sibel Hughes, Office of English Language Acquisition and Academic Achievement  
(OELAAA) Chair**



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

**Woburn Public Schools**

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

**Woburn Public Schools**

**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 2017 - 2018 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 2017 - 2018 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 2017 - 2018 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 English Language Acquisition and Academic Achievement (OELAAA), including a request for information regarding ELE programs and staff qualifications.

Some reviews also cover selected requirements in:

College, Career and Technical Education (CCTE)

- college, career and 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; approximately 68 school districts and charter schools are scheduled for Coordinated Program Reviews in 2017 - 2018, of which all districts participated in the Web-based Monitoring System (WBMS). The Department's 2017 - 2018 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 56 current special education criteria and 26 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 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 college, career and 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 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 two-member Massachusetts Department of Elementary and Secondary Education team conducted a Coordinated Program Review in Woburn Public Schools during the week of November 13, 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:

- Administrative staff
- Teaching and support services staff
- Special education parent advisory council representative(s)
- Parent of an English learner
- Persons from the general public

Student record reviews:

- Special education student records
- English learner student records

Surveys:

- Parents of students with disabilities
- Parents of English learners

Observations of classrooms and other facilities

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.

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

**SPECIAL EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER		
	Legal Standard	
SE 7	<p><b>Transfer of parental rights at age of majority and student participation and consent at the age of majority</b></p> <ol style="list-style-type: none"> <li>1. At least one year prior to the student reaching age 18, the district informs the student and the parent/guardian of the rights that will transfer from the parent/guardian to the student upon the student's 18<sup>th</sup> birthday. The notification provided to both the student and the parent/guardian must explicitly state that all rights accorded to parents under special education law will transfer to the 18 year old.</li> <li>2. Upon reaching the age of 18, the school district implements procedures to obtain consent from the student with decision-making authority to continue the student's special education program.</li> <li>3. The district continues to send the parent written notices and the parent will have the right to inspect the student's records, but the parent will no longer have decision-making authority, except as provided below: <ol style="list-style-type: none"> <li>a. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority. The parent does not have authority to override any decision or lack of decision made by the student who has reached the age of majority unless the parent has sought or received guardianship or other legal authority from a court of competent jurisdiction.</li> <li>b. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.</li> <li>c. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent, or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.</li> </ol> </li> </ol>	
	State Requirements	Federal Requirements
	603 CMR 28.07(5)	34 CFR 300. 320(c), 300.520
	<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 the district does not consistently inform students and parents at least one year prior to the student reaching age 18 of the rights that will transfer from the parent to the student upon the student's 18th birthday. Record review also indicated that upon the student reaching age 18, the district does not consistently obtain consent from the adult student with sole or shared decision-making authority to continue his or her special education program.*

CRITERION NUMBER	Legal Standard	
SE 14	<p><b>Review and revision of IEPs</b></p> <ol style="list-style-type: none"> <li>At least annually, on or before the anniversary date of the IEP, a Team meeting is held to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.</li> <li>The IEP Team reviews and revises the IEP to address any lack of expected progress towards the annual goals and in the general curriculum.</li> <li><u>Amendments to the IEP.</u> In between annual IEP meetings the district and parent may agree to make changes to a student's IEP, documented in writing, without convening a meeting of the Team. Upon request, a parent is provided with a revised copy of the IEP with the amendments incorporated.</li> </ol>	
	<b>State Requirements</b>	<b>Federal Requirements</b>
	603 CMR 28.04(3)	34 CFR 300.324(a)(4), (6) and (b)
	<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 Team meetings are not consistently held, on or before the anniversary date of the IEP, to consider the student's progress and to review, revise, or develop a new IEP or refer the student for a re-evaluation, as appropriate.*

CRITERION NUMBER	Legal Standard	
SE 18B	<p><b>Determination of placement; provision of IEP to parent</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>The decision regarding placement is based on the IEP, including the types of related services that are to be provided to the student, 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.</li> <li>Reserved</li> <li>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.</li> </ol>	
	<b>State Requirements</b>	<b>Federal Requirements</b>
	603 CMR 28.05(6) and (7); 28.06(2)	34 CFR 300.116; 300.325
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of student records and staff interviews indicated that when parents receive summary notes at the conclusion of the IEP Team meeting, which include a completed IEP service delivery grid describing the types and amounts of special education and related services proposed by the district and a statement of the major goal areas associated with these services, the district sends two copies of the proposed IEP and proposed placement to the parent within two calendar weeks of the meeting. However, student record review indicated that when a summary is not provided at the conclusion of the IEP Team meeting, the district sends two copies of the proposed IEP and placement to parents beyond three to five days following the Team meeting.*

CRITERION NUMBER		
	Legal Standard	
<p><b>SE 19</b></p>	<p><b>Extended evaluation</b>                      If the Team finds the evaluation information insufficient to develop an IEP, the Team, with parental consent, may agree to an extended evaluation period.</p> <ol style="list-style-type: none"> <li>1. The extended evaluation period is not used to deny programs or services determined to be necessary by the Team. If, prior to the extended evaluation, the Team determines that sufficient information is available to determine, in part, necessary annual goals and services, the Team writes a partial IEP that, if accepted by the parent, is immediately implemented by the district while the extended evaluation is occurring.</li> <li>2. The extended evaluation period is not used to allow additional time to complete the required assessments.</li> <li>3. If the parent consents to an extended evaluation, the Team documents its findings and determines what evaluation time period is necessary and the types of information needed to develop an IEP. The Team may decide to meet at intervals during the extended evaluation, but in all cases reconvenes promptly to develop an IEP when the evaluation is complete.</li> <li>4. The extended evaluation may extend longer than one week, but does not exceed eight school weeks.</li> <li>5. The extended evaluation is not considered a placement.</li> </ol>	
	State Requirements	Federal Requirements
	603 CMR 28.05(2)(b)	
	<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 Team finds the evaluation information insufficient to develop an IEP, the Team, with parental consent, agrees to an extended evaluation, but the Team does not reconvene promptly to develop an IEP when the evaluation is complete. Specifically, the extended evaluation period consistently exceeds eight school weeks.*

CRITERION NUMBER		
	Legal Standard	
SE 20	<p><b>Least restrictive program selected</b></p> <ol style="list-style-type: none"> <li>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>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>The district does not remove an eligible student from the general education classroom solely because of needed modification in the curriculum.</li> <li>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 34 CFR 300.42
	<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 the district does not consistently state why removal from the general education classroom is considered critical to the student's program and the basis for its conclusion that education in the least restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.*

CRITERION NUMBER		
	Legal Standard	
SE 22	<p><b>IEP implementation and availability</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>At the beginning of each school year, the district has an IEP in effect for each eligible student within its jurisdiction.</li> <li>Each teacher and provider described in the IEP is informed of his or her specific responsibilities related to the implementation of the student’s IEP and the specific accommodations, modifications, and supports that must be provided for the student under it.</li> <li>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</li> </ol>	

CRITERION NUMBER	
	Legal Standard
	services, reasons for delay, actions that the school district is taking to address the lack of space or personnel and offers alternative methods to meet the goals on the accepted IEP. Upon agreement of the parents, the school district implements alternative methods immediately until the lack of space or personnel issues are resolved.
	State Requirements
	603 CMR 28.05(7)(b); 28.06(2)(d)(2)
	Federal Requirements
	34 CFR 300.323
	<b>Rating: Partially Implemented</b>
	<b>District Response Required: Yes</b>

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

*A review of documents, staff and parent interviews, and parent surveys indicated that the district does not immediately inform parents in writing of delayed services, reasons for the delay, and actions that the district is taking to address the lack of space or personnel. Specifically, document review and interviews indicated that parents are informed in writing when there is a lack of personnel; however, this notification is not always sent to parents immediately and does not consistently offer alternative methods to meet students' goals on the accepted IEPs.*

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

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

*A review of documents and staff and parent interviews indicated that the parent advisory council for special education does not participate in the planning, development, and evaluation of the district's special education programs.*

CRITERION NUMBER	
	<b>Legal Standard</b>
SE 37	<p><b>Procedures for approved and unapproved out-of-district placements</b></p> <ol style="list-style-type: none"> <li>1. <u>Individual student program oversight</u>: The school district monitors the provision of services to and the programs of individual students placed in public and private out-of-district programs. Documentation of monitoring plans and all actual monitoring are placed in the files of every eligible student who has been placed out-of-district. To the extent that this monitoring requires site visits, such site visits are documented and placed in the students' files for review. The duty to monitor out-of-district placements is not delegated to parents or their agents, to the Department of Elementary and Secondary Education, or to the out-of-district program.</li> <li>2. <u>Student right to full procedural protections</u>: The school district retains full responsibility for ensuring that the student is receiving all special education and related services in the student's IEP, as well as all procedural protections of law and regulation. Any Team meetings conducted during the time that a student is enrolled in the out-of-district program are initiated by the school district in coordination with the out-of-district program.</li> <li>3. <u>Preference to approved programs</u>: The school district, in all circumstances, first seeks to place a student in a program approved by the Department pursuant to the requirements of 603 CMR 28.09. Preference is also given to approved programs located within the Commonwealth of Massachusetts if the choice of such program is consistent with the needs of the student and the choice of such program complies with LRE requirements. When an approved program is available to provide the services on the IEP, the district makes such placement in the approved program in preference to any program not approved by the Department.</li> <li>4. <u>Written contracts</u>: The school district enters into written contracts with all public and private out-of-district placements. At a minimum, such contracts meet the content requirements of 28.06(3)(f)(1-5), and specifically include a statement that the district shall not contract with any out-of-district placement that discriminates on the grounds of race, color, religion, sexual orientation, gender identity or national origin, or that discriminates against qualified persons with disabilities.</li> <li>5. <u>Use of unapproved programs</u>: A school district that places a student in a program that has not been approved by the Department according to the requirements under 603 CMR 28.09 ensures that such programs and services are provided in appropriate settings by appropriately credentialed staff able to deliver the services on the student's IEP. Students placed by the school district in such</li> </ol>

CRITERION NUMBER	
	<b>Legal Standard</b>
	<p>programs are entitled to the full protections of state and federal special education law and regulation.</p> <p>6. <u>Placement documentation</u>: The following documentation is maintained by the school district pursuant to its placement of students in unapproved out-of-district programs:</p> <ul style="list-style-type: none"> <li>a. <u>Search</u>: The Administrator of Special Education documents the search for and unavailability of a program approved by the Department. The Administrator places such documentation in the student record.</li> <li>b. <u>Evaluation of facility</u>: The Administrator of Special Education or his/her designee thoroughly evaluates the appropriateness of any unapproved facility prior to placement of the student in such program. Such evaluation determines whether the unapproved facility can appropriately implement the student’s IEP in a safe and educationally appropriate environment. Such evaluation determines whether the unapproved facility can and will provide the student with all the rights that are accorded to the student under state and federal special education law. Such evaluation is documented in detail and placed in the student record for review. To the extent that this evaluation requires a site visit, such site visits are documented and placed in the student record for review. The duty to evaluate the appropriateness of any unapproved facility is not delegated to the parents or their agents or the proposed unapproved facility.</li> <li>c. <u>School district approval to operate a private school in Massachusetts</u>: If services in an unapproved program are provided in a school setting, the Administrator of Special Education ensures that such school has received approval from the school committee where the private school is located under M.G.L. c.76, §1 and a copy of such approval is retained in the student record.</li> <li>d. <u>Pricing</u>: Pursuant to the requirements for Compliance, Reporting and Auditing for Human and Social Services at 808 CMR 1.00, the Administrator obtains pricing forms required to set program prices for programs receiving publicly funded students. Such pricing forms are completed by the proposed placement and document that the price proposed for the student’s tuition is the lowest price charged for similar services to any student in that program.</li> <li>e. <u>Notification of the Department of Elementary and Secondary Education</u>: Prior to placement, if the Team determines that placement in such facility is appropriate, the Administrator notifies the Department of the intent to place the student and the name and location of the proposed placement before placing the student into the program by sending a completed mandated 28M3 form titled “Notice of Intent to Seek Approval for Individual Student Program” and all the required supporting documentation (i.e., completed pricing forms, signed written contract that will govern such placement, and monitoring plan pursuant to 603 CMR 28.06(3)(b)). The district maintains copies of this documentation, as well as any documentation of the Department’s objections to such placement and the steps the district has</li> </ul>

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
	<p>taken in regard to such objection. The district maintains documentation of the approved price for publicly-funded students as set by the state agency responsible for setting program prices. The district maintains documentation of actual monitoring of the unapproved placement, including any site visits made and other monitoring activities undertaken by the school district.</p> <p>f. <u>Out of state programs</u>: If out-of-district programs are provided in a placement outside of Massachusetts, and such school has not received approval by the Department under 603 CMR 28.09, the Administrator of Special Education ensures that such school has received approval from the host state.</p>	
	<b>State Requirements</b>	<b>Federal Requirements</b>
	M.G.L. c. 76, s. 1 603 CMR 18.00; 28.02(14); 28.06(2)(f) and (3); 28.09 808 CMR 1.00	34 CFR 300.2(c)
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of student records and staff interviews indicated that the district does not consistently monitor the provision of services to and the programs of individual students placed in public and private out-of-district programs.*

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>SE 48</b>	<p><b>Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education</b>  All students receiving special education, regardless of placement, shall have an equal opportunity to participate in and, if appropriate, receive credit for the vocational, supportive, or remedial services that may be available as part of the general education program as well as the non-academic and extracurricular programs of the school.  Programs, services and activities include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. art and music</li> <li>2. vocational education, industrial arts, and consumer and homemaking education</li> <li>3. work study and employment opportunities</li> <li>4. counseling services available at all levels in the district</li> <li>5. health services</li> <li>6. transportation</li> <li>7. recess and physical education, including adapted physical education</li> <li>8. athletics and recreational activities</li> <li>9. school-sponsored groups or clubs</li> </ol>	

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
	10. meals	
	<b>State Requirements</b>	<b>Federal Requirements</b>
	603 CMR 28.06(5)	34 CFR 300.101 - 300.113
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of documents, staff interviews and parent surveys indicated that two classrooms of students with disabilities enrolled in the Transitional Education program at Woburn High School do not have access to the same non-academic and extracurricular programs as nondisabled students due to scheduling. Specifically, students in grades 9-12 are automatically enrolled in physical education and the Best Buddies program without being offered other electives and enrichment.*

<b>CRITERION NUMBER</b>		
	<b>Legal Standard</b>	
<b>SE 54</b>	<p><b>Professional development</b></p> <ol style="list-style-type: none"> <li>1. The district considers the needs of all staff in developing training opportunities for professional and paraprofessional staff and provides a variety of offerings.</li> <li>2. The district ensures that all staff, including both special education and general education staff, are trained on: <ol style="list-style-type: none"> <li>a. state and federal special education requirements and related local special education policies and procedures;</li> <li>b. analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the general education classroom of students with diverse learning styles;</li> <li>c. methods of collaboration among teachers, paraprofessionals and teacher assistants to accommodate diverse learning styles of all students in the general education classroom;</li> </ol> </li> <li>3. The district provides in-service training for all locally hired <u>and</u> contracted transportation providers, before they begin transporting any special education student receiving special transportation, on his or her needs and appropriate methods of meeting those needs; for any such student it also provides written information on the nature of any needs or problems that may cause difficulties, along with information on appropriate emergency measures. Transportation providers include drivers of general and special education vehicles and any attendants or aides identified by a Team for either type of vehicle.</li> </ol>	
	<b>State Requirements</b>	<b>Federal Requirements</b>
	M.G.L. c. 71, §§ 38G , 38Q and 38Q ½ 603 CMR 28.03(1)(a); 28.06(8)(b) and (c)	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of documents and staff interviews indicated that although the district provides optional training opportunities on special education laws, regulations, and local policies and procedures, the district does not ensure that all staff, specifically general education teachers, receive this required training. In addition, document review and staff interviews indicated that special education and general education teachers, teaching assistants, and paraprofessionals do not always receive training on methods of collaboration to accommodate diverse learning styles of all students in the general education classroom.*

CRITERION NUMBER	SPECIAL EDUCATION VII. SCHOOL FACILITIES	
	<b>Legal Standard</b>	
SE 55	<p><b>Special education facilities and classrooms</b>                      The school district provides facilities and classrooms for eligible students that</p> <ol style="list-style-type: none"> <li>1. maximize the inclusion of such students into the life of the school;</li> <li>2. provide accessibility in order to implement fully each student’s IEP;</li> <li>3. are at least equal in all physical respects to the average standards of general education facilities and classrooms;</li> <li>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</li> <li>5. are not identified by signs or other means that stigmatize such students.</li> </ol>	
	<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 Transition Education classrooms at Woburn High School are identified with permanently installed signage, thereby stigmatizing students attending these programs.*

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

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CR 7C</b>	<p><b>Early release of high school seniors</b>  When the school district schedules the early release at the end of the year of the senior class of a high school, it does so in a way that conforms with Board of Education requirements under 603 CMR 27.05, ensuring that neither the conclusion of the seniors’ school year nor graduation is more than 12 school days before the regular scheduled closing date of that school.</p>
	M.G.L. c. 69, § 1G; 603 CMR 27.05
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

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

*A review of documents and staff interviews indicated that seniors are released more than 12 school days before the regular scheduled closing date of the high school.*

<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</li> </ol>

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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	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.
	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 documents indicated that the district's Bullying Prevention and Intervention Plan does not include staff as possible aggressors in its definition of bullying.*

*A review of documents also indicated that the district's Bullying Prevention and Intervention Plan is not provided annually to all staff, including bus drivers, athletic coaches and paraprofessionals.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CR 10C</b>	<p><b>Student Discipline</b>  Each school committee and board of trustees shall ensure that policies and procedures are in place in public preschool, elementary, and secondary schools and programs under its jurisdiction that meet, at a minimum, the requirements of M.G.L.c. 71, section 37H <math>\frac{3}{4}</math>, M.G.L.c. 76, section 21, and 603 CMR 53.00. These policies and procedures must address or establish, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. The notice of suspension and hearing;</li> <li>2. Procedures for emergency removal;</li> <li>3. Procedures for principal hearings for both short and long-term suspension;</li> <li>4. Procedures for in-school suspension;</li> <li>5. Procedures for superintendent hearing;</li> <li>6. Procedures for education services and academic progress (School-wide Education Service Plan);</li> <li>7. A system for periodic review of discipline data by special populations;</li> <li>8. Alternatives to suspension.</li> </ol>
	M.G.L.c. 71, section 37H $\frac{3}{4}$ , M.G.L.c. 76, section 21, and 603 CMR 53.00, M.G.L.c. 71 section 38R and Chapter 77 of the Acts of 2013.
	<b>Rating: Partially Implemented</b> <b>District Response Required: Yes</b>

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

*A review of documents and staff interviews indicated that the district has not developed a system for periodic review of discipline data by principals to assess the extent of suspensions and removals or the impact of such disciplinary action on selected student populations.*

CRITERION NUMBER		
	Legal Standard	
CR 16	<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 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.</li> <li>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 <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> </li> <li>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.</li> </ol>	
	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 documents indicated that the district has developed a notice to students 16 and over and their parents to send within five days of the student’s tenth consecutive absence; however, staff interviews indicated that this notice is not consistently sent. In addition, document review and staff interviews indicated that the district has not developed a process to provide annual written notice to former students who have left school, not enrolled elsewhere and not earned their diploma, to inform them of the availability of publicly funded post-high school academic support programs and to encourage them to participate in those programs.*

CRITERION NUMBER	
	<b>Legal Standard</b>
CR 17A	<p><b>Use of physical restraint on any student enrolled in a publicly-funded education program</b></p> <ol style="list-style-type: none"> <li>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.               <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-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.</li> </ol> </li> <li>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.</li> <li>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.</li> </ol>

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	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..
	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 documents and staff interviews indicated that the district has not developed and implemented written restraint prevention and behavior support policy and procedures consistent with regulations under 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. The district has thereby not provided staff with training on the new regulations, provided staff with a copy of the policy and procedures, or made the policy and procedures available to parents. A review of documents and staff interviews indicated that the district has identified program staff to serve as school-wide resources for the administration of restraint and provided school-wide resource staff with in-depth training on the use of physical restraint.*

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION</b>
	<b>Legal Standard</b>
<b>CR 18</b>	<p><b>Responsibilities of the school principal</b></p> <p>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.</p> <p>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</p>

CRITERION NUMBER	CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VI. FACULTY, STAFF AND ADMINISTRATION	
	<b>Legal Standard</b>	
	<p>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></p> <p>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.</p> <p>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.</p>	
	M.G.L. c. 71, § 38Q ½; 603 CMR 28.03(3)	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of documents and staff interviews indicated that the district has a district curriculum accommodation plan (DCAP) that was developed in 2011. However, interviews indicated that the DCAP is inconsistently implemented across schools, as not all staff are aware of the plan or understand what supports are available to meet the needs of diverse learners in the general education classroom.*

CRITERION NUMBER		
	<b>Legal Standard</b>	
<b>CR 21</b>	<p><b>Staff training regarding civil rights responsibilities</b></p> <p>The district provides in-service training for all school personnel at least annually regarding civil rights responsibilities, including the prevention of discrimination and harassment on the basis of students’ race, color, sex, gender identity, religion, national origin and sexual orientation and the appropriate methods for responding to it in the school setting.</p>	
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3; EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31-106.42; M.G.L. c. 76, § 5; 603 CMR 26.00, esp.	

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	26.07(2), (3) 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:**

*Although the district provides an in-service training for all school personal annually regarding federal civil rights responsibilities, this training does not address the prevention of discrimination and harassment on the basis of students' gender identity.*

<b>CRITERION NUMBER</b>	<b>CIVIL RIGHTS METHODS OF ADMINISTRATION (CR) AND OTHER RELATED GENERAL EDUCATION REQUIREMENTS VIII. PROGRAM PLAN AND EVALUATION</b>	
	<b>Legal Standard</b>	
<b>CR 24</b>	<b>Curriculum review</b> The district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation. Appropriate activities, discussions and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.	
	M.G.L. c. 76, § 5; 603 CMR 26.05(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:**

*A review of documents and staff interviews indicated that although the district incorporates cultural competency in its educator evaluation rubric and its curriculum adoption procedures, the district does not ensure that individual teachers review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, gender identity, religion, national origin and sexual orientation.*

<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
<b>CR 25</b>	<b>Institutional self-evaluation</b> The district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. It makes such changes as are indicated by the evaluation.
	Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section

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<b>CRITERION NUMBER</b>	
	<b>Legal Standard</b>
	504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.07(1),(4) 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 documents and staff interviews indicated that the district does not evaluate all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities.*

**ENGLISH LEARNER EDUCATION**

**LEGAL STANDARDS,  
COMPLIANCE RATINGS AND  
FINDINGS**

CRITERION NUMBER	ENGLISH LEARNER EDUCATION II. STUDENT IDENTIFICATION AND PROGRAM PLACEMENT	
	Legal Standard	
ELE 6	<p><b>Program Exit and Readiness</b></p> <ol style="list-style-type: none"> <li>Each school district shall establish criteria, in accordance with Department of Elementary and Secondary Education guidelines, to identify students who may no longer be English learners.</li> <li>The district does not reclassify an English Learner (EL) as Former English Learner (FEL) until he or she is deemed English proficient and can participate meaningfully in all aspects of the district's general education program without the use of adapted or simplified English materials.</li> <li>Districts do not limit or cap the amount of time in which an EL can remain in a language support program. An EL only exits from such a program after he or she is determined to be proficient in English.</li> </ol> <p><b>Authority: Title VI; ESEA; EEOA; G.L. c. 71A, § 4; 603 CMR 14.02</b></p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of documents indicated that some students have been reclassified as Former English Learners (FELs) at the WIDA proficiency level as low as 3.3. English learners (ELs) at this proficiency level require significant support to participate meaningfully in all aspects of the district's general education program and, therefore, should not be considered for reclassification.*

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION	
	Legal Standard	
ELE 14	<p><b>Licensure Requirements</b></p> <p>Licensure requirements for districts where ELs are enrolled:</p> <ol style="list-style-type: none"> <li>Every district, including every Commonwealth charter school, has at least one teacher who has an English as a Second Language or Transitional Bilingual Education, or ELL license under G.L. c.71, § 38G and 603 CMR 7.04(3). (This requirement does not apply separately to Horace Mann charter schools.)</li> <li>Except at Commonwealth charter schools, <i>every</i> teacher or other educational staff member who teaches ELs holds an appropriate license or current waiver issued by the Massachusetts Department of Elementary and Secondary Education.</li> <li>Core academic teachers who provide sheltered English instruction to English learners in school districts, including charter schools and education collaboratives, must earn an SEI Teacher Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00. Principals, assistant principals, and supervisors/directors who supervise or evaluate such teachers must earn an</li> </ol>	

CRITERION NUMBER	ENGLISH LEARNER EDUCATION VI. FACULTY, STAFF AND ADMINISTRATION	
	<b>Legal Standard</b>	
	<p>SEI Teacher Endorsement or SEI Administrator Endorsement as set forth in 603 CMR 7.00 and 603 CMR 14.00.</p> <ol style="list-style-type: none"> <li>4. Any core academic teacher who is assigned to provide sheltered English instruction to an EL shall either hold an SEI Teacher Endorsement, or is required to earn such an endorsement within one year from the date of the assignment. Any school district that assigns an EL to a core academic teacher who has a year to obtain an SEI endorsement, shall take all reasonable steps to ensure that such EL is assigned to core academic teachers with an SEI endorsement in subsequent school years.</li> <li>5. No principal, assistant principal, or supervisor/director shall supervise or evaluate a core academic teacher who provides sheltered English instruction to an EL unless such principal, assistant principal, or supervisor/director holds an SEI Teacher Endorsement or SEI Administrator Endorsement, or will earn either endorsement within one year of the commencement of such supervision or evaluation.</li> <li>6. Except at Commonwealth charter schools, any director of ELE program(s) who is employed in that role for one-half time or more has a Supervisor/Director license and an English as a Second Language (ESL), Transitional Bilingual Education (TBE) or an ELL license.</li> <li>7. If a district with 200 or more ELs—including all charter schools with 200 or more ELs—has a director of EL programs, that director must have an English as a Second Language, Transitional Bilingual Education, or an EL 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.)</li> </ol> <p><b>Authority: Title VI; EEOA; G.L. c. 71, § 38G, §89(ii); St. 2002, c. 218, §§ 24, 25, 30; 603 CMR 7.04(3), 7.09(3); 603 CMR 7.14 (1) and (2); 603 CMR 7.15(9)(b); 603 CMR 14.07.</b></p>	
	<b>Rating: Partially Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of documents and teacher licensure in the Educator Licensure and Renewal (ELAR) portal indicated that not all district teachers/tutors who teach English as a Second Language (ESL) hold an ESL license or a current waiver issued by the Massachusetts Department of Elementary and Secondary Education.*

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. ESEA</b></p>	
	<b>Rating: Not Implemented</b>	<b>District Response Required: Yes</b>

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

*A review of documents and staff interviews indicated that the district does not have a comprehensive system in place to evaluate the effectiveness of its ELE program in developing students' English language skills and increasing their ability to participate meaningfully in the educational program.*

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 2018

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