



**Malden Public Schools**

**Tiered Focused Monitoring Report**

**Continuous Improvement and Monitoring Plan**

**For Group A Universal Standards  
Tier Level 2**

**Date of Onsite Visit: April 15, 2021**

**Date of Final Report: September 3, 2021**



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Commissioner of Elementary and Secondary Education

During the 2020-2021 school year, Malden Public Schools participated in a Tiered Focused Monitoring Review conducted by the Department's Office of Public School Monitoring. The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

Districts/charter schools are reviewed every three years through Tiered Focused Monitoring. This review process emphasizes elements most tied to student outcomes and alternates the focus of each review on either Group A Universal Standards or Group B Universal Standards.

Group A Universal Standards address:

- Student identification
- IEP development
- Programming and support services
- Equal opportunity

Group B Universal Standards address:

- Licensure and professional development
- Parent/student/community engagement
- Facilities and classroom observations
- Oversight
- Time and learning
- Equal access

In addition, the Department has reserved a specific set of criteria, collectively known as Targeted Standards, employed when LEA or school-level risk assessment data indicate that there is a potential issue. Identified Targeted Standards are assessed in addition to the Universal Standards.

Universal Standards and Targeted Standards are aligned with the following regulations:

Special Education (SE)

- Selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007.

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.

Tiered Focused Monitoring allows for differentiated monitoring based on a district/charter school’s level of need, the Tiers are defined as follows:

LEAs in Tiers 1 and 2 have been determined to have no or low risk:

- Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements.
- Tier 2/Directed Improvement: No demonstrated risk in areas with close link to student outcomes – low risk.

LEAs in Tiers 3 and 4 have demonstrated greater risk:

- Tier 3/Corrective Action: Areas of concern include both compliance and student outcomes – moderate risk.
- Tier 4/Cross-unit Support and Corrective Action: Areas of concern have profound effect on student outcomes and ongoing compliance – high risk.

The phases of Tiered Focused Monitoring for Malden Public Schools included:

Self-Assessment Phase:

- District reviewed special education and civil rights documentation for required elements including document uploads.
- District reviewed a sample of special education student records selected across grade levels, disability categories and levels of need.
- Upon completion of these two internal reviews, the district’s self-assessment was submitted to the Department for review.

On-site Verification Phase:

- Review of student records for special education: The Department selected 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 conducted this review, using standard Department procedures, to determine whether procedural and programmatic requirements are being met.
- Review of additional documents for special education and civil rights.
- Surveys of parents of students with disabilities: Parents of students with disabilities were sent a survey to solicit information regarding their experiences with the district’s implementation of special education programs, related services, and procedural requirements.
- Interviews of staff consistent with those criteria selected for onsite verification.
- Interview of a parent advisory council (PAC) representative and a telephone interview requested by a parent.

## **Report: For Tier 1 & 2 Tiered Focused Monitoring Reviews**

Following the onsite visit, the onsite team holds an informal exit meeting to summarize its comments for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the onsite chairperson forwards to the superintendent or charter school leader the findings from the Tiered Focused Monitoring Review. All districts/charter schools in Tiers 1 and 2, as part of the reporting process, then develop a Continuous Improvement and Monitoring Plan (CIMP) for any criteria receiving a rating of "Partially Implemented," "Not Implemented," and "Implementation in Progress." The CIMP outlines an action plan, identifies the success metric, describes the measurement mechanism and provides a completion timeframe to bring those areas into compliance with the controlling statute or regulation. Districts and charter schools are expected to incorporate the CIMP 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.   |

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## Malden Public Schools

### SUMMARY OF COMPLIANCE CRITERIA RATINGS

|                                  | <b>Universal Standards<br/>Special Education</b>   | <b>Universal Standards<br/>Civil Rights and Other<br/>General Education<br/>Requirements</b> |
|----------------------------------|--|--|
| <b>IMPLEMENTED</b>               | SE 1, SE 2, SE 3,<br>SE 3A, SE 6, SE 7, SE 8,<br>SE 9, SE 9A, SE 10,<br>SE 11, SE 13, SE 14,<br>SE 17, SE 18A, SE 19,<br>SE 20, SE 22, SE 26,<br>SE 29, SE 34, SE 35,<br>SE 37, SE 40, SE 41,<br>SE 42, SE 43, SE 48,<br>SE 49 | CR 13, CR 14, CR 18  |
| <b>PARTIALLY<br/>IMPLEMENTED</b> | SE 12, SE 25, SE 39  |  |
| <b>NOT IMPLEMENTED</b>           | None   |  |
| <b>NOT APPLICABLE</b>            | SE 38  |  |

The review instruments, that include the regulatory requirements specific to the special education and civil rights criteria referenced in the table above, can be found at [www.doe.mass.edu/psm/resources/default.html](http://www.doe.mass.edu/psm/resources/default.html).

## SUMMARY OF INDICATOR DATA REVIEW

As part of the self-assessment process for districts or charter schools undergoing a review for Group A Universal Standards, the onsite team reviewed the results of Indicator data submissions for Indicators 11, 12 and 13. For any Indicator data noncompliance found, the district or charter school must develop and implement corrective action that includes correcting noncompliance for the individual students affected by it, addressing the root cause and underlying reasons for the identified noncompliance, and reviewing additional records as evidence that the issues have been corrected and that requirements are being met. The Office of Special Education Programs (OSEP) requires correction of noncompliance within one year of the finding.

The results of the Department's analysis regarding these Indicators are as follows:

|  | <b>Compliant</b> | <b>Non-Compliant</b> | <b>Not Applicable</b> |
|--|------------------|----------------------|-----------------------|
| <b>Indicator 11 – Initial Evaluation Timelines</b> | X                |                      |                       |
| <b>Indicator 12 – Early Childhood Transition</b>   | X                |                      |                       |
| <b>Indicator 13 – Secondary Transition</b>         |                  | X                    |                       |



**Improvement Area 1**

**Criterion:** SE 12 - Frequency of re-evaluation

**Rating:** Partially Implemented

**Description of Current Issue:** A review of student records and administrative interviews indicated that the district does not consistently conduct re-evaluations every three years. Student records and administrative staff interviews also demonstrated that, in these cases, the parent and the school had not agreed that the re-evaluation was unnecessary.

**LEA Outcome:** Malden Public Schools will ensure that re-evaluations are always conducted every three years unless the parent and the school agree the re-evaluation is unnecessary.

**Action Plan:** The district conducted a root cause analysis shortly after the Tiered Focused Monitoring onsite visit to explore this area of non-compliance. The analysis revealed a backlog of testing created by the Covid-19 pandemic, a limited number of school psychologists on staff to conduct assessments, and inefficient assignment distribution among school psychologists. In response, the district enlisted contracted evaluation services and sought to increase staffing by an additional school psychologist.

At its June 2021 meeting, the School Committee approved the district's fiscal year 2022 budget which included the additional school psychologist position.

By September 24, 2021, Malden Public Schools will submit written procedures for conducting re-evaluations every three years.

By September 24, 2021, Malden Public Schools will submit a plan to conduct and complete timely special education re-evaluations through the redistribution of assignments, hiring an additional school psychologist, or enlisting contracted services.

By September 24, 2021, Malden Public Schools will submit evidence of training for special education staff, including a coordinator, team chairpersons, and special education central office personnel, on the procedures for conducting re-evaluations.

By December 17, 2021, Malden Public Schools will submit the results of an internal record review conducted to determine if timely re-evaluations occurred. The district will conduct a root cause analysis and determine appropriate corrective action for any identified non-compliance.

**Success Metric:** By April 1, 2022, the district will demonstrate 100% compliance with conducting re-evaluations every three years and documenting agreement with parents when such re-evaluation is unnecessary.

Evidence:

- Procedures for conducting re-evaluations
- Contracts and/or staff positions demonstrating an increased capacity to conduct evaluations
- Agendas, training materials, and attendance sheets
- Results of record review, root cause analysis, and corrective action steps, as appropriate

**Measurement Mechanism:** Continuing after the completion deadline, the district's program managers will conduct quarterly record reviews of at least five student files to examine if re-evaluations occurred at least every three years. If non-compliance is identified, the district will conduct a root cause analysis and determine appropriate corrective action, including additional training.

**Completion Timeframe:** 12/17/2021

## Improvement Area 2

**Criterion:** SE 25 - Parental consent

**Rating:** Partially Implemented

**Description of Current Issue:** A review of student records indicated that the district does not consistently obtain written parental consent before conducting re-evaluations. In addition, when consent of the parent is required and the parent fails or refuses to provide consent to an IEP, record review and administrative interviews indicated that the district does not consistently make multiple attempts to secure parental consent using a variety of methods, which are documented by the district.

**LEA Outcome:** Malden Public Schools will ensure that it consistently obtains written parental consent before conducting re-evaluations. In addition, when consent of the parent is required and the parent fails or refuses to provide consent to an IEP, the district will consistently make multiple attempts to secure parental consent using a variety of methods and document such attempts.

**Action Plan:** By September 24, 2021, Malden Public Schools will submit procedures for obtaining written parental consent before conducting re-evaluations. The procedures will also address the district's responsibility to make and document multiple attempts to secure consent to an IEP, as appropriate.

By September 24, 2021, Malden Public Schools will submit evidence of training for the relevant special education staff on the procedures for obtaining parental consent for re-evaluations and IEP implementation.

By December 17, 2021, Malden Public Schools will submit the results of an internal record review conducted to determine whether parental consent requirements were met. The district will conduct a root cause analysis and determine appropriate corrective action for any identified non-compliance.

**Success Metric:** By April 1, 2022, Malden Public Schools will obtain written consent for all special education re-evaluations. In addition, when consent of the parent is required and the parent fails or refuses to provide consent to an IEP, the district will always make multiple attempts to secure parental consent using a variety of methods and document such attempts.

Evidence:

- Procedures for obtaining consent for re-evaluations and IEPs
- Agendas, training materials, and attendance sheets
- Results of record review, root cause analysis, and corrective action steps, as appropriate

**Measurement Mechanism:** Continuing after the completion deadline, the district will conduct quarterly record reviews of at least five student files to examine if the district obtained written parental consent before conducting a re-evaluation and made necessary documented attempts to secure consent for an IEP, as appropriate. If non-compliance is identified, the district will conduct a root cause analysis and determine appropriate corrective action.

**Completion Timeframe:** 12/17/2021

### Improvement Area 3

**Criterion:** SE 39 - Procedures used to provide services to eligible students enrolled in private schools at private expense

**Rating:** Partially Implemented

**Description of Current Issue:** A review of documents and administrative interviews indicated that the district does not provide ongoing timely and meaningful consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, or parents of home schooled students.

**LEA Outcome:** Malden Public Schools will ensure that the school district consistently provides ongoing timely and meaningful consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, and parents of home-schooled

students. Upon completion of consultations, the district will obtain written affirmation from representatives and/or parents.

**Action Plan:** By September 24, 2021, Malden Public Schools will submit procedures, in compliance with state and federal requirements, that include ongoing timely and meaningful consultations. The district will assign oversight responsibilities for carrying out the procedures to a special education coordinator.

By September 24, 2021, Malden Public Schools will submit evidence of training for the identified special education coordinator on the legal requirements and district procedures.

By December 17, 2021, Malden Public Schools will provide evidence of consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, and parents of home schooled students.

By March 25, 2022, Malden Public Schools will submit a review of its activities with private school representatives, representatives of parents of parentally-placed private school children with disabilities, and parents of home-schooled students to ensure that the ongoing consultation is timely and meaningful and that written affirmation is obtained from participants. Furthermore, the district will conduct a root cause analysis and determine appropriate corrective action for any identified non-compliance.

**Success Metric:** By April 1, 2022, Malden Public Schools will consistently provide ongoing timely and meaningful consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, and parents of home-schooled students.

Evidence:

- Procedures used to provide services to eligible students enrolled in private schools at private expense
- Coordinator assignment
- Agenda, training materials, and attendance sheet
- Emails and invitations establishing consultation, along with signed written affirmations
- Results of consultation review, root cause analysis, and corrective action steps, as appropriate

**Measurement Mechanism:** Continuing after the completion deadline, the Assistant Superintendent of Student Services will conduct trimester reviews to ensure that consultation with private school representatives, representatives of parents of parentally-placed private school children with disabilities, and parents of home-schooled students is ongoing, timely, and meaningful. The review will also ensure that written affirmation is obtained from the appropriate representatives and/or parents. If non-compliance is identified, the district will conduct a root cause analysis and determine appropriate corrective action.

**Completion Timeframe:** 03/25/2022

