



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

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Jeff Wulfson
Acting Commissioner

April 2, 2018

William F. Welch, Senate Clerk
Office of the Clerk of the Senate
State House – Room 335
Boston, MA 02133

Dear Mr. Welch:

Pursuant to its authority under M.G.L. c. 69, §§ 1B, 1J, and 1K, and c. 71, § 38G, and in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, the Massachusetts Board of Elementary and Secondary Education (Board) is soliciting public comment on the proposed amendments to 603 CMR 2.00, Regulations on Accountability and Assistance for School Districts and Schools.

I have enclosed the proposed amendments as well as my March 16, 2018 memorandum to the Board. Please let me know if you need any additional information to initiate the next steps under the process outlined in M.G.L. c. 69, § 1J(a), as amended by St. 2010, c. 12, § 3:

The board shall adopt regulations establishing standards for the commissioner to make such designations [of underperforming and chronically underperforming schools] on the basis of data collected pursuant to section 1I or information from a school or district review performed under section 55A of chapter 15. Upon the release of the proposed regulations, the board shall file a copy thereof with the clerks of the house of representatives and the senate who shall forward the regulations to the joint committee on education. Within 30 days of the filing, the committee may hold a public hearing and issue a report on the regulations and file the report with the board. The board, pursuant to applicable law, may adopt final regulations making revisions to the proposed regulations as it deems appropriate after consideration of the report and shall forthwith file a copy of the regulations with the chairpersons of the joint committee on education and, not earlier than 30 days of the filing, the board shall file the final regulations with the state secretary.

If you have any questions, please contact me or Jessica Leitz at (781) 338-3104 or jleitz@doe.mass.edu. Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Jeff Wulfson".

Jeff Wulfson
Acting Commissioner of Elementary and Secondary Education

Enclosures



Jeff Wulfson
Acting Commissioner

Massachusetts Department of Elementary and Secondary Education

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MEMORANDUM

To: Members of the Board of Elementary and Secondary Education
From: Jeff Wulfson, Acting Commissioner
Jeff Wulfson
Date: March 16, 2018
Subject: Proposed Amendments to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00

I am presenting to the Board of Elementary and Secondary Education (Board) proposed amendments to *603 CMR 2.00: Accountability and Assistance for School Districts and Schools*. I will be asking the Board to vote on March 27, 2018 to solicit public comment on the proposed amendments.

The regulations describe the Commonwealth's framework for district accountability and assistance, including the annual accountability determinations for districts and schools and the support that the Department of Elementary and Secondary Education (Department) provides to districts and schools.

As we discussed at the December 2017 and January 2018 meetings of the Board, the proposed amendments are needed to implement the redesigned accountability system that the U.S. Department of Education approved as part of the Massachusetts state plan under the Every Student Succeeds Act (ESSA). The amendments we are proposing will:

1. Align the regulations with our approved accountability system, which meets the federal requirements outlined in ESSA;
2. Update the measures used to make accountability determinations to reflect changes to our statewide assessment system; and
3. Clarify in the regulations the Board's role in reviewing and approving potential changes to the accountability system.

The proposed amendments remove all references to accountability and assistance levels (Levels 1 to 5), and update the description of how districts and schools will be classified in accordance

with our redesigned accountability system. These changes will enable the Department to make annual accountability determinations under the new system beginning this fall.

With the Board's approval, the Department will solicit public comment on the proposed amendments. I will also share the proposed amendments with the Board's Advisory Council on School and District Accountability and Assistance at their meeting on May 8, 2018, for the council's review and comment. After reviewing all the comments and determining whether further changes are needed, I plan to bring the amendments back to the Board in June 2018 for final adoption.

A redlined version of the regulations is attached, along with a motion to solicit public comment on the proposed amendments. Senior Associate Commissioner Russell Johnston and Associate Commissioner Robert Curtin will be at the Board meeting on March 27 to answer your questions.

Enclosures:

- Proposed Amendments to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 – clean version
- Proposed Amendments to Regulations on Accountability and Assistance for School Districts and Schools, 603 CMR 2.00 – strikethrough version (redlined version)
- Motion to solicit public comment

**PROPOSED AMENDMENTS TO REGULATIONS ACCOUNTABILITY AND ASSISTANCE FOR SCHOOL
DISTRICTS AND SCHOOLS 603 CMR 2.00**

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **March 27, 2018**
- Period of public comment: **through Friday, May 18, 2018**
- Final action by the Board of Elementary and Secondary Education anticipated: **June 26, 2018**

The proposed amendments will align the regulations with ESE's approved accountability system, which meets the federal requirements outlined in Every Student Succeeds Act; update the measures used to make accountability determinations to reflect changes to the statewide assessment system; and clarify in the regulations the Board's role in reviewing and approving potential changes to the accountability system.

Proposed amendments are indicated by underline (new language) or ~~striketrough~~ (deleted language). For the complete text of the current regulations, 603 CMR 30.00, see <http://www.doe.mass.edu/lawsregs/603cmr2.html>

603 CMR 2.00: Accountability and Assistance for School Districts and Schools

Section:

- 2.01: Authority, Scope, and Purpose
- 2.02: Definitions
- 2.03: Accountability and Assistance for All Districts and Schools ~~in All Levels~~
- 2.04: Accountability and Assistance for Districts and Schools Not Designated as Underperforming or Chronically Underperforming ~~in Levels 1 through 3~~
- 2.05: Accountability and Assistance for Underperforming Districts and Schools ~~in Level 4~~
- 2.06: Accountability and Assistance for Chronically Underperforming Districts and Schools ~~in Level 5~~
- 2.07: Mathematics Content Assessments at ~~Level 4~~ Underperforming and ~~Level 5~~ Chronically Underperforming Schools

Adopted by the Board of Education: June 16, 1997

Most Recently Amended by the Board of Education: April 18, 2017

2.01: Authority, Scope and Purpose

(1) 603 CMR 2.00 is promulgated pursuant to the authority of the Board of Elementary and Secondary Education under M.G.L. c. 69, §§ 1B, 1J, and 1K, and c. 71, § 38G.

(2) 603 CMR 2.00 governs the review of the educational programs and services provided by the Commonwealth's public schools and the assistance to be provided by districts and the Department to improve them; it identifies the circumstances under which a school may be declared underperforming (~~placed in Level 4~~) and those under which a school or school district may be declared chronically underperforming (~~placed in Level 5~~), resulting in accountability and assistance in accordance with M.G.L. c. 15, §55A and c. 69, §§ 1J and 1K.

(3) The purpose of 603 CMR 2.00 is to hold districts and schools accountable for educating their students well and to assist them in improving the education they provide.

2.02: Definitions

Annual Performance Determination shall mean annual district, grade level, school, or student subgroup achievement and improvement, as determined by the Department relative to indicators including which may include, but need not be limited to, achievement and improvement in English language arts, and mathematics, and science, student growth in English language arts and mathematics, high school completion, and English language proficiency, in accordance with the federal Elementary and Secondary Education Act (ESEA).

Behavioral health and public schools framework shall mean the framework developed by the Task Force on Behavioral Health and Public Schools pursuant to St. 2008, c. 321, § 19, to "promote collaboration between schools and behavioral health services and promote supportive school environments where children with behavioral health needs can form relationships with adults and peers, regulate their emotions and behaviors, and achieve academic and nonacademic school success and reduce truancy and the numbers of children dropping out of school."

Benchmark assessment shall mean an assessment that is given at regular and specified intervals throughout the school year, is designed to evaluate students' knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated (e.g., by course, grade level, school, or district) in order to inform teachers and administrators at the student, classroom, school, and district levels.

Board shall mean the Board of Elementary and Secondary Education, appointed in accordance with M.G.L. c. 15, § 1E.

Charter School A public school operated under a charter granted by the Board pursuant to M.G.L. c. 71, § 89 and 603 CMR 1.00.

Chronically underperforming district shall mean the designation given to a district by the Board of Elementary and Secondary Education in accordance with M.G.L. c. 69, § 1K.

Chronically underperforming school shall mean the designation given to an underperforming school by the commissioner in accordance with M.G.L. c. 69, § 1J (I).

Commissioner shall mean the commissioner of elementary and secondary education, appointed in accordance with M.G.L. c. 15, § 1F, or his or her designee.

Commonwealth of Massachusetts Virtual School shall mean a public school operated under a certificate granted by the commissioner pursuant to M.G.L. c. 71, § 94 and 603 CMR 52.00.

Composite Performance Index or CPI shall mean a 100-point index that assigns 100, 75, 50, 25, or 0 points to each student participating in MCAS and MCAS-Alt tests based on their performance. The total points assigned to each student are added together and the sum is divided by the total number of students assessed. The result is a number between 0 and 100, which constitutes a district, school or group's CPI for that subject and student group. The CPI is a measure of the extent to which students are progressing toward proficiency (a CPI of 100) in English Language Arts (ELA), mathematics, and science. CPIs are generated separately for ELA, mathematics, and science, and at all levels state, district, school, and student group.

Conditions for school effectiveness shall mean certain necessary conditions for schools to educate their students well. These conditions are integrated into the district indicators.

Core subjects shall mean the subjects specified in M.G.L. c. 69, § 1D (science, technology, and mathematics, history and social science, English, foreign languages and the arts) and subjects covered in courses that are part of an approved vocational-technical education program under M.G.L. c. 74.

Department shall mean the Department of Elementary and Secondary Education acting through the commissioner or his or her designee.

District or school district shall mean a municipal school department or regional school district, acting through its school committee or superintendent of schools, or a county agricultural school, acting through its board of trustees or superintendent/director. For the purposes of 603 CMR 2.00 it shall not mean a charter school or a Commonwealth of Massachusetts virtual school. ; charter schools are subject to accountability provisions set forth in M.G.L. c. 71, § 89, 603 CMR 1.00, and federal law.

District Analysis and Review Tool or DART shall mean an electronic interface, using graphics and showing trends, of a sampling of relevant data kept by the Department or submitted to the Department by districts over time in areas including but not limited to district and school demographics, access, performance, educator licensure and turnover, student support, and educational resources.

District Improvement Plan shall mean the comprehensive, three-year improvement plan each district is required to develop under M.G.L. c. 69, § 1I.

District indicators shall mean the detailed performance indicators associated with the district standards and developed by the Department.

District review shall mean a school district audit conducted by the Department under M.G.L. c. 15, § 55A, in accordance with a process and protocol established by the commissioner on behalf of the Board pursuant to M.G.L. c. 69, § 1B, and based on published district standards and indicators.

District review report shall mean the report of a district review by a district review team, as required by M. G.L. c. 15, § 55A.

District review team shall mean a group of individuals appointed by the Department, pursuant to M.G.L. c. 15, § 55A, to conduct a district review.

District standards shall mean the standards developed and published by the Department pursuant to listed in 603 CMR 2.03(4)2.03(5)(a) and (b) that are the basis for district reviews, improvement planning, and other forms of accountability and assistance.

ESEA shall mean the Elementary and Secondary Education Act, 20 U.S.C. 6301 et seq., reauthorized in 2001 as the No Child Left Behind Act, 2015 as the Every Student Succeeds Act.

Follow-up review shall mean a review conducted following a district review to gather further information, to be used for such purposes as determining whether a Level 4 an underperforming district should be placed in Level 5 reclassified as chronically underperforming or whether a school or district should be removed from Level 4 or Level 5 underperforming or chronically underperforming status.

Follow-up review report shall mean the report of a follow-up review.

Formative assessment shall mean assessment questions, tools, and processes that are embedded in instruction and are used by teachers and students to provide timely feedback for purposes of adjusting instruction to improve learning.

Framework for district accountability and assistance shall mean the five-level system for district and school accountability and assistance approved by developed in consultation with the Board's advisory council on school and district accountability and assistance, approved by the Board, and implemented by the Department pursuant to 603 CMR 2.03(1).

Level 4 District Plan shall mean a plan for improvement that a district placed in Level 4 is required to develop and implement pursuant to 603 CMR 2.05(8)(b), (c), and (d). In the case of a district in Level 4 that was declared underperforming by the Board before April 27, 2010, Level 4 District Plan shall mean

~~the current version of the turnaround plan the district adopted as a result of having been so declared. A Level 4 District Plan may serve as the district's District Improvement Plan.~~

~~Levels 1-5 shall mean the levels in the Department's framework for district accountability and assistance, required by 603 CMR 2.03(1), in which schools and districts in the Commonwealth are placed. See definitions in 603 CMR 2.02 for placing a district in Level 5, placing a school in Level 4, and placing a school in Level 5.~~

Mathematics content assessment: A diagnostic assessment of mathematics content knowledge approved by the Department that mathematics teachers at a ~~Level 4 or Level 5~~ an underperforming or chronically underperforming school may be required to take, at no cost to the district or the teacher for the assessment instrument or its scoring.

Mathematics teacher: Shall mean any educator who teaches mathematics in a Massachusetts public school.

MCAS shall mean the Massachusetts Comprehensive Assessment System, provided for in M.G.L. c. 69, § 1I.

~~Placing a district in Level 5 shall mean declaring that district to be chronically underperforming in accordance with M.G.L. c. 69, § 1K. Level 5 is the last of the five levels in the Department's framework for district accountability and assistance.~~

~~Placing a school in Level 4 shall mean designating that school as underperforming in accordance with M.G.L. c. 69, § 1J. Level 4 is the fourth of the five levels in the Department's framework for district accountability and assistance.~~

~~Placing a school in Level 5 shall mean designating that school as chronically underperforming in accordance with M.G.L. c. 69, § 1J. Level 5 is the last of the five levels in the Department's framework for district accountability and assistance.~~

Receiver shall:

(a) for a district, mean a non-profit entity or an individual with a demonstrated record of success in improving low-performing schools or districts or the academic performance of disadvantaged students, appointed by the commissioner on behalf of the Board for a district ~~placed in Level 5~~ designated as chronically underperforming, pursuant to M.G.L. c. 69, § 1K(a), and 603 CMR 2.06(3); and

(b) for a school, mean a non-profit entity or an individual with a demonstrated record of success in improving low-performing schools or the academic performance of disadvantaged students, appointed for a school ~~in Level 4~~ designated as underperforming by the superintendent pursuant to M.G.L. c. 69, § 1J(h) and 603 CMR 2.05(7) and for a school ~~in Level 5~~ designated as chronically

underperforming by the commissioner pursuant to M.G.L. c. 69, § 1J(r), (v), or (w) and 603 CMR 2.06(5).

~~School shall mean a single public school, consisting of one or more school buildings, which operates under the direct administration of a principal, director, or school leader appointed by the school district or board of trustees responsible for its governance. For the purposes of 603 CMR 2.00 it shall not mean a charter school; charter schools are subject to accountability provisions set forth in M.G.L. c. 71, § 89, 603 CMR 1.00, and federal law.~~

School Improvement Plan shall mean the plan for improved student performance each school is required to develop annually under M.G.L. c. 69, § 1I.

~~School review shall mean a school audit conducted by the Department under M.G.L. c. 15, § 55A, in accordance with a process and protocol established by the commissioner on behalf of the Board pursuant to M.G.L. c. 69, § 1B.~~

~~Student growth percentile or SGP shall mean a measure of how much a student's performance achievement has improved from one year to the next relative to other students statewide with a similar MCAS test score history.~~

Subgroup shall mean one of the groups of students for which the Department issues annual performance determinations, including but not limited to students with disabilities, students with limited English proficiency, English learners, economically disadvantaged students, and students belonging to major racial and ethnic groups.

~~Tiered instruction shall mean a data-driven prevention, early detection, and support system that guides the allocation of school and district resources with the aim of providing high-quality core educational experiences for all students and targeted interventions to struggling students who experience learning or behavioral challenges.~~

Turnaround plan shall mean the plan to improve student achievement in a Level 4 or Level 5a underperforming or chronically underperforming school or a Level 5a chronically underperforming district that may serve as the School Improvement Plan or District Improvement Plan.

Underperforming district shall mean the designation given to a district by the Board of Elementary and Secondary Education in accordance with 603 CMR 2.05(1).

Underperforming District Plan shall mean a plan for improvement that a district that is designated underperforming is required to develop and implement pursuant to 603 CMR 2.05(8)(b), (c), and (d).

Underperforming school shall mean the designation given to a school by the commissioner in accordance with M.G.L. c. 69, § 1J.

Virtual School A public school operated under a certificate granted by the Board pursuant to M.G.L. c. 71, § 94 and 603-CMR 52.00.

2.03: Accountability and Assistance for All Districts and Schools in All Levels

(1) **Framework for district and school accountability and assistance** The Department shall implement a five-level system for district and school accountability and assistance, approved by the Board and known as the framework for district accountability and assistance, for the purpose of improving student achievement performance. Both the priority for assistance and the degree of intervention shall increase from Level 1 to Level 5, as the severity and duration of identified problems low performance increase. Under the framework, districts shall hold their schools accountable for educating their students well and assist them in doing so; the Department shall hold districts accountable for both of these functions and assist them in fulfilling them.

(2) **Reported measures** Each year, the Department will report:

- (a) A measure of each school's relative standing compared to other schools;
- (b) A measure of each district and school's performance against targets for each accountability indicator, as set by the Department;
- (c) For each district, school, and student group that meets the minimum group size requirement for reporting:
 - 1. Assessment participation rates; and
 - 2. Whether the district, school, or student group met the participation rate requirements established by the Department;
- (d) Information related to each school's need for targeted support or intervention; and
- (e) Information related to schools that demonstrate exemplary performance, as determined by the commissioner.

(2)(3) **District reviews** The Department may conduct a district review, encompassing the district and its schools, of any district, in Levels 1-5.

(3)(4) **District Analysis and Review Tool** The Department shall provide the District Analysis and Review Tool to every district, including multiple data elements, giving schools the capability of comparing themselves with similar schools or other schools of their choice, and giving districts the capability of comparing themselves with similar districts or other districts of their choice.

(4)(5) **District standards and indicators**

- (a) District reviews, improvement planning, and other forms of accountability and assistance shall be based on standards of effective policy and practice in:

1. Leadership and governance;
2. Curriculum and instruction;
3. Assessment;
4. Human resources and professional development;
5. Student support; and
6. Financial and asset management.

(b) The Department shall publish a detailed version of the standards and associated indicators, which shall be informed by research-based practices identified as characteristic of schools that have experienced rapid improvements in student outcomes, as well as associated indicators which shall include the following conditions for school effectiveness:

- ~~1. Effective district systems for school support and intervention: The district has systems and processes for anticipating and addressing school staffing, instructional, and operational needs in timely, efficient, and effective ways, especially for its lowest performing schools.~~
- ~~2. Effective school leadership: The district and school take action to attract, develop, and retain an effective school leadership team that obtains staff commitment to improving student learning and implements a clearly defined mission and set of goals.~~
- ~~3. Aligned curriculum: The school's taught curricula are aligned to state curriculum frameworks and the MCAS performance level descriptions, and are also aligned vertically between grades and horizontally across classrooms at the same grade level and across sections of the same course.~~
- ~~4. Effective instruction: Instructional practices are based on evidence from a body of high quality research and on high expectations for all students and include use of appropriate research-based reading and mathematics programs; the school staff has a common understanding of high-quality evidence-based instruction and a system for monitoring instructional practice.~~
- ~~5. Student assessment: The school uses a balanced system of formative and benchmark assessments.~~
- ~~6. Principal's staffing authority: The principal has the authority to make staffing decisions based on the School Improvement Plan and student needs, subject to district personnel policies, budgetary restrictions and the approval of the superintendent.~~
- ~~7. Professional development and structures for collaboration: Professional development for school staff includes both individually pursued activities and school-based, job-embedded approaches, such as instructional coaching. It also includes content-oriented learning. The school has structures for regular, frequent collaboration to improve implementation of the curriculum and instructional practice. Professional development and structures for collaboration are evaluated for their effect on raising student achievement.~~
- ~~8. Tiered instruction and adequate learning time: The school schedule is designed to provide adequate learning time for all students in core subjects. For students not yet on track to proficiency in English language arts or mathematics, the school provides~~

~~additional time and support for individualized instruction through tiered instruction, a data-driven approach to prevention, early detection, and support for students who experience learning or behavioral challenges, including but not limited to students with disabilities and English language learners.~~

- ~~9. Students' social, emotional, and health needs: The school creates a safe school environment and makes effective use of a system for addressing the social, emotional, and health needs of its students that reflects the behavioral health and public schools framework.~~
- ~~10. Family school engagement: The school develops strong working relationships with families and appropriate community partners and providers in order to support students' academic progress and social and emotional well-being.~~
- ~~11. Strategic use of resources and adequate budget authority: The principal makes effective and strategic use of district and school resources and has sufficient budget authority to do so.~~

(5)(6) District improvement planning Every district shall develop and implement an annual self-evaluation and district improvement planning process, ~~using the district standards and indicators established under 603 CMR 2.03(4).~~

- (a) The district's self-evaluation and planning process shall result, every three years, in a comprehensive written three-year District Improvement Plan to improve the performance of the district and its schools.
- (b) Each year, every school shall adopt school performance goals and develop and implement a written School Improvement Plan to advance those goals and improve student performance. The School Improvement Plan shall be aligned with the District Improvement Plan.
- (c) A district's District Improvement Plan and School Improvement Plans shall be based on an analysis of data, including but not limited to data on student performance and the District Analysis and Review Tool provided by the Department under 603 CMR 2.03~~(3)~~(4), and an assessment of actions the district and its schools must take to improve that performance.
- (d) District Improvement Plans and School Improvement Plans shall, in form and content, conform to requirements set forth in M.G.L. c. 69, § 1I.

(6)(7) Assistance from the Department

- (a) The Department shall make available a variety of ~~such~~ forms of assistance, such as examples, tools, templates, protocols, and surveys to assist districts and schools in assessing themselves and improving student performance.
- (b) The Department shall also make available to districts, to the extent funding allows, professional development opportunities and assistance from Department staff members, Department contractors, or third party partners. Priority for receiving professional development or assistance, as well as the degree of intervention by the Department, shall ~~increase from Level 1 to Level 5~~ be based on the annual performance determination by the Department of the district or one or more of its schools.

(8) Annual Report to Board The Department shall report annually to the Board on district and school accountability results.

(9) Notice and Consultation The commissioner will provide notice of proposed changes to the accountability system, including changes to the indicators or the weighting of indicators in the accountability system, and submit the proposed changes to the Board for approval.

2.04: Accountability and Assistance for Districts and Schools in Levels 1-3 Not Designated as Underperforming or Chronically Underperforming

(1) Placement of schools and districts in Levels 1 and 2 Annual performance determination Districts and schools will be assigned an annual performance determination in accordance with the district and school accountability system developed by the Department and approved by the Board. This annual determination shall include:

(a) For schools, a normative measure of school performance that provides information regarding each school's relative standing compared to other schools statewide; and

(b) For districts and schools, a criterion referenced component that provides information regarding the progress that each district or school is making toward targets established by the Department.

~~(a) A school shall be placed in Level 1 or 2 of the framework for district accountability and assistance based on the performance of students in the aggregate and subgroups, according to the Department's annual performance determination. The Department shall publish guidance for schools as to what performance leads to placement in what level.~~

~~(b) A school shall move from one level to another within Levels 1 and 2 by virtue of change in the performance of students in the aggregate and subgroups, according to the Department's annual performance determination, and in accordance with guidance published by the Department pursuant to 603 CMR 2.04(1)(a).~~

~~(c) Districts shall be placed in Levels 1 and 2 in accordance with the levels of their schools, and shall move from one level to another within Levels 1 and 2 by virtue of change in their schools' levels pursuant to 603 CMR 2.04(1)(b). The Department shall publish guidance for districts as to what performance leads to placement in what level.~~

(2) Placement of schools and districts in Level 3 A school shall be placed in Level 3 of the framework for district accountability and assistance if any one of its subgroups scores among the lowest performing subgroups in the state. The Department may place a school in Level 3 if it scores in the lowest 20% statewide of schools serving common grade levels pursuant to 603 CMR 2.05(2)(a). The Department shall publish guidance describing the specific methodology used to identify Level 3 schools, as well as guidance for districts as to what performance leads to placement in what level.

(3)-(2) Self-assessment by districts in Level 3 with schools in need of targeted support or intervention A district in Level 3 with one or more schools identified as in need of support or intervention shall use a

process approved by the Department to complete a self-assessment, shall use the self-assessment to identify unmet conditions for school effectiveness (see 603 CMR 2.03(4)(b)), and shall address the unmet conditions needs identified by the self-assessment by revising its District Improvement Plan and School Improvement Plans.

~~(4) Limitation of certain provisions~~ In 2017, the provisions of 603 CMR 2.04 (1) – (3) will not apply to any school that enrolls students in grades 3-8, provided that the school has a participation rate of at least 90 percent in the administration of the spring 2017 MCAS tests and does not have a persistently low graduation rate.

2.05: Accountability and Assistance for Underperforming Districts and Schools in Level 4

(1) Placement of districts in Level 4 Designating districts as underperforming

~~(a)~~ A district shall be placed in Level 4 if any of its schools has been placed in Level 4, pursuant to 603 CMR 2.05 (2).

~~(b)~~ The Board may place a district in Level 4 designate a district as underperforming upon recommendation of the commissioner based on findings from a district review, monitoring report, or follow-up review showing serious deficiencies, relating to one or more district standards, that are likely if they are not addressed effectively and in a timely manner to have a substantial negative effect on student performance in the district, putting the district at risk of being placed in Level 5 designated as chronically underperforming.

~~(c)~~ A district may be placed in Level 4 pursuant to both 603 CMR 2.05(1)(a) and 603 CMR 2.05(1)(b).

~~(d)~~ A district declared underperforming by a vote of the Board prior to April 27, 2010, shall remain in Level 4 until the commissioner makes the determination described in 603 CMR 2.05(12)(b) and it has no schools in Level 4, unless the Board has voted to remove the district from underperforming status.

(2) Placement of schools in Level 4 Designating schools as underperforming

(a) A school shall be eligible for placement in Level 4 designation as underperforming if it scores in the lowest 20% statewide of schools serving common grade levels on a single measure developed by the Department that takes into account at least:

1. school MCAS performance over a four-year period based on Composite Performance Index (CPI) achievement in English language arts, mathematics, and science; CPI in mathematics; and percentages of students scoring in the "warning" or "failing" category on MCAS; and
2. improvement student growth in student academic performance in English language arts and mathematics.

(b) The commissioner may place a school in Level 4 designate a school as underperforming on the basis of quantitative data including but not limited to:

1. ~~school MCAS performance over a four year period based on Composite Performance Index (CPI) achievement in English language arts, mathematics, and science; CPI in mathematics; and percentages of students scoring in the "warning" or "failing" category on MCAS;~~
2. ~~improvement change in school MCAS performance achievement as represented by change in CPI (for years available, up to four);~~
3. ~~annual student growth in on MCAS performance for students at the school as compared with peers across the Commonwealth (for years available, up to four);~~
4. ~~in the case of high schools, graduation and dropout rates; or~~
5. ~~other indicators of school performance including student attendance, dismissal, suspension, exclusion, and promotion rates upon the determination of each indicator's reliability and validity, or lack of demonstrated significant improvement for two or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based on special education, low-income economically disadvantaged, English language proficiency learner status, and racial classifications; or on the basis of information from a school or district review performed under M.G.L. c.15, § 55A.~~

(c) -Charter schools and Commonwealth of Massachusetts virtual schools shall not be eligible for designation as underperforming schools. Charter schools shall also be held accountable under the provisions of M.G.L. c. 71, § 89, and 603 CMR 1.00. Commonwealth of Massachusetts virtual schools shall also be held accountable under the provisions of M.G.L. c. 71, § 94, and 603 CMR 52.00.

~~(e)(d) Not more than 4% of the total number of public schools may be in Levels 4 and 5 designated as underperforming or chronically underperforming, taken together, at any given time.~~

~~(d) Any school designated by the Board as chronically underperforming prior to 2010 may be placed in Level 4.~~

(3) Notification ~~The Department shall notify districts of the placement of any of their schools in Level 4 in which any school is designated as underperforming. The notification shall be made to the school committee, superintendent, and local teachers' union or association president, and the principal and the parent organization of any school placed in Level 4 designated as underperforming.~~

(4) Appointment of assistance and accountability personnel ~~Upon placement of a district in Level 4 designating a district as underperforming, the Department may make any or all of the following appointments:~~

~~(a) an assistance liaison:~~

- ~~1. to support the district in developing and carrying out a turnaround plan for each of its Level 4 underperforming schools, if any; and~~
- ~~2. to support the district in district improvement planning pursuant to 603 CMR 2.05(8), if required;~~

~~(b) an accountability monitor to determine and report on:~~

1. whether the goals, benchmarks, and timetable in the turnaround plan for each of the district's ~~Level 4~~underperforming schools, if any, are being met; and
 2. if the district has a ~~Level 4~~an Underperforming District Plan pursuant to 603 CMR 2.08(c), whether its goals, benchmarks, and timetable are being met; and
- (c) an individual or team to conduct monitoring site visits to the district or its schools.

(5) Turnaround plans for ~~Level 4~~underperforming schools

(a) The turnaround plan developed for each school ~~placed in Level 4~~designated as underperforming shall:

1. be authorized, pursuant to M.G.L. c. 69, s. § 1J(j), for a period of up to three years, and remain in effect until the statutory process to develop any new, modified, or renewed turnaround plan has been completed, or the school has been removed from ~~Level 4~~underperforming status;
2. fulfill the other requirements of M.G.L. c. 69, § 1J;
3. provide for the implementation of ~~the conditions for school effectiveness~~the standards and indicators ~~in published pursuant to 603 CMR 2.03(4)~~2.03(5)(a) and (b);
4. include benchmarks by which to measure progress toward the annual goals included in the plan pursuant to M.G.L. c. 69, § 1J, and ~~the conditions for school effectiveness~~the standards and indicators, and a timetable for achieving those benchmarks;
5. include descriptions of the assistance to be provided by the Department in support of the action steps in the plan, as agreed on by the Department and the superintendent, subject to the availability of resources for the Department to provide the assistance; and
6. be prepared on a format provided by the Department.

(b) Once the superintendent has received the recommendations of the local stakeholder group under M.G.L. c. 69, § 1J(b), the superintendent may request that the school committee and any union bargain or reopen the bargaining of the relevant collective bargaining agreement, pursuant to M.G.L. c. 69, § 1J(g). If necessary, the 30 days provided by M.G.L. c. 69, § 1J(e) for the superintendent to submit a turnaround plan for modifications to the local stakeholder group, school committee, and commissioner shall be extended, without exceeding the time periods mandated by M.G.L. c. 69, § 1J(g), to provide time for bargaining, ratification, a dispute resolution process, the submission of a decision by the joint resolution committee, or a resolution by the commissioner, pursuant to M.G.L. c. 69, § 1J(g).

(c) Within 30 days of the issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e), the commissioner shall review the plan and may, in consultation with the superintendent, modify the plan if the commissioner determines that

1. such modifications would further promote the rapid academic achievement of students in the school;
2. a component of the plan was included, or a modification under M.G.L. c. 69, § 1J(e) was excluded, on the basis of demonstrably false information or evidence; or
3. the superintendent failed to meet the requirements of M.G.L. c. 69, § 1J(b) to (e), inclusive.

(d) Within 30 days of the issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e), the school committee or local union may appeal to the commissioner one or more components of the plan pursuant to M.G.L. c. 69, § 1J(f). Within 30 days of the receipt of such appeal, the commissioner shall decide the appeal and may, in consultation with the superintendent, make one or more modifications to the plan based on the appeal if the commissioner makes any of the determinations in 603 CMR 2.05(5)(c)1 through 3. The commissioner's decision on the appeal shall be final.

(e) Within 30 days of the receipt of the last appeal made under M.G.L. c. 69, § 1J(f) and 603 CMR 2.05(5)(d), or, if no such appeal is received within 30 days of the issuance of the superintendent's final turnaround plan under M.G.L. c. 69, § 1J(e), at the expiration of those 30 days, the commissioner shall return the turnaround plan to the superintendent incorporating any modifications made under 603 CMR 2.05(5)(c) or (d), or both. Such return of the plan to the superintendent shall constitute the commissioner's approval, pursuant to M.G.L. c. 69, § 1J(b), of the plan returned.

(6) **Annual reviews of Level 4 underperforming schools** Superintendents shall use a format provided by the Department for the reviews to be submitted to the commissioner and school committee at least annually pursuant to M.G.L. c. 69, § 1J(k).

(7) **Receiver for an underperforming school in Level 4**

(a) If the superintendent appoints a receiver for a an underperforming school in Level 4 pursuant to M.G.L. c. 69, s. 1J(h), the superintendent shall define the scope of the receiver's powers, up to and including all of the powers of the superintendent over the school, including all of the powers granted by M.G.L. c. 69, s. 1J. The superintendent may from time to time modify the scope of the receiver's powers based on conditions in the school. The receiver shall report directly to the superintendent.

(b) If the commissioner requires the superintendent to terminate the receiver for a an underperforming school in Level 4 pursuant to M.G.L. c. 69, § 1J(k), the superintendent may, with the approval of the commissioner, select and appoint another receiver for the school in accordance with M.G.L. c. 69, § 1J(h) and 603 CMR 2.05(7)(a).

(8) **District improvement planning for Level 4 underperforming districts**

(a) The turnaround plan developed pursuant to 603 CMR 2.05(5) for any underperforming school in Level 4 shall include, among its provisions pursuant to 603 CMR 2.05(5)(a)(3) for the implementation of the conditions for school effectiveness standards and indicators, provisions for the improvement of district systems for school support and intervention in accordance with the condition for school effectiveness standards and indicators in published pursuant to 603 CMR 2.03(4) 2.03(5)(a) and (b)(1).

(b) If a district has been placed in Level 4 designated as underperforming pursuant to 603 CMR 2.05(1)(b), the Department shall notify the Level 4 underperforming district that it is required to develop a Level 4 an Underperforming District Plan in order to correct the serious deficiencies identified in the district pursuant to 603 CMR 2.05(1)(b); if a district has been placed in Level 4

pursuant to 603 CMR 2.05(1)(a), the Department may notify it that it is required to develop a Level 4 District Plan in order to aid in turning around its Level 4 school or schools.

(c) Each Level 4 underperforming district notified by the Department pursuant to 603 CMR 2.05(8)(b) shall develop a Level 4 an Underperforming District Plan that includes goals and benchmarks appropriate to the reasons it has been required to develop a Level 4 an Underperforming District Plan, along with strategies, action steps, and a timetable for achieving those goals and benchmarks. The Level 4 Underperforming District Plan shall be prepared on a format provided by the Department.

(d) A Level 4 An underperforming district shall submit any required Level 4 Underperforming District Plan and any successor Level 4 Underperforming District Plan for approval by the Department. A district whose Level 4 Underperforming District Plan is approved by the Department shall receive priority for Department assistance. From year to year, continued priority for Department assistance shall be dependent on the district's success in achieving the goals and benchmarks in the approved Level 4 Underperforming District Plan or approved successor Level 4 Underperforming District Plan in accordance with the approved timetable.

(9) **Annual report to Board** The commissioner shall report annually to the Board on the progress made by districts and schools in Level 4 designated as underperforming.

(10) Removal of school from Level 4 underperforming school designation

(a) The commissioner shall define for each Level 4 underperforming school the academic and other progress that it must make for it to be removed from Level 4 underperforming status. Such progress may include:

1. an increase in student achievement for three years for students overall and for each subgroup of students, as shown by;
 - a. an increase in MCAS scores and an increase in median-student growth percentile;
 - b. a reduction in the proficiency gap;
 - c. (for a high school) a higher graduation rate; and
 - d. (for a high school) a measure of postsecondary success, once the Department identifies one that is sufficiently reliable, valid, and timely; and
2. progress in implementing the conditions for school effectiveness standards and indicators described in published pursuant to 603 CMR 2.03(4) 2.03(5)(a) and (b).

(b) The commissioner, in defining the required progress for each school, shall customize it to the particular reasons the school was placed in Level 4 designated as underperforming, defining it as any or all of the progress in 2.05(10)(a)1 and 2, or any other progress the commissioner determines appropriate.

(c) After consultation with the superintendent, the commissioner shall remove a school from Level 4 underperforming status when, at any time, the commissioner determines, based on evidence that may include evidence from a report from the accountability monitor appointed pursuant to 603 CMR 2.05(4)(b), a review by the superintendent submitted pursuant to M.G.L. c.

69, § J(k), a review conducted by the commissioner pursuant to M.G.L. c. 69, § 1J(l), or a district review or a follow-up review, that:

1. the school has achieved the academic and other progress defined by the commissioner under 603 CMR 2.05(10)(a) and (b) as necessary to allow it to be removed from Level 4 underperforming status; and
2. the district has the capacity to continue making progress in improving school performance without the accountability and assistance provided due to the school's placement in Level 4 designation as underperforming.

(d) At the expiration of the turnaround plan, in conducting a review of the school pursuant to M.G.L. c. 69, § 1J(l), the commissioner shall consider whether the conditions described in 603 CMR 2.05(10)(c)1 and 2 exist. If the commissioner determines that both of these conditions exist, he or she shall remove the school from Level 4 underperforming status.

(e) Following his review, the cCommissioner will make a determination as to whether the school has improved sufficiently to be removed from Level 4 underperforming status; ~~remains in Level 4~~ maintains its underperforming designation; or is chronically underperforming. The cCommissioner will make the determination in a reasonable period of time, and in any event within 2 months following the release of MCAS test results. The cCommissioner may extend this period of time for good cause.

(f) Notwithstanding the foregoing requirements of 603 CMR 2.054(10), the commissioner may remove from Level 4 underperforming status any school for which he or she approves a ~~proposal of closure~~ proposal by the district to close the school.

(11) Effect of removal of school from Level 4 underperforming status; transitional period

(a) Upon the commissioner's removal of a school from Level 4 underperforming status pursuant to 603 CMR 2.05(10)(c) or (d), the provisions of M.G.L. c. 69, § 1J, for schools designated as underperforming shall no longer apply to it and the employment of any receiver for the school shall end.

(b) The district and school may continue their relationship with any external partner appointed to advise or assist the superintendent in the implementation of the turnaround plan and may continue to use the turnaround plan in order to continue to improve school performance, renewing or revising it as appropriate, provided that any feature of the turnaround plan that was adopted pursuant to M.G.L. c. 69, § 1J(d), in contravention of any general or special law to the contrary shall be discontinued unless:

1. no more than one year before the removal of the school from Level 4 underperforming status the superintendent proposed to continue such feature of the turnaround plan for a transitional period after the school's removal from Level 4 underperforming status, supporting this proposal with a written explication of the reasons this continuation is necessary and providing the school committee, the teachers' union or association, and the parent organization for the school with a copy of the proposal and supporting documents; and
2. before removing the school from Level 4 underperforming status the commissioner determined, after considering any opposition from the school committee, the teachers'

union or association, or the parent organization for the school, that such feature of the turnaround plan would contribute to the continued improvement of the school and should continue after the removal.

The superintendent may propose to continue and the commissioner may allow to continue more than one such feature of the turnaround plan.

(c) Upon making a determination pursuant to 603 CMR 2.05(11)(b)2 that such feature or features of the turnaround plan should continue, the commissioner shall define the progress that the school must make for each continuing feature of the plan to be discontinued.

(d) On determination by the commissioner at any time, based on evidence that may include evidence from a school or district review or a follow-up review, that the school has made the progress defined under 603 CMR 2.05(11)(c) as necessary to allow a continuing feature of the turnaround plan to be discontinued

1. such feature shall be discontinued; and
2. any powers granted to the commissioner or Board with respect to the school under M.G.L. c. 69, § 1J, that did not cease on removal of the school from Level 4 underperforming status shall cease.

(e) Two years after the removal of the school from Level 4 underperforming status, if any of the continuing features of the turnaround plan has yet to be discontinued, the commissioner shall conduct a review of the school to determine whether such continuing feature or features should remain in place or be discontinued.

(12) ~~Removal of district from Level 4~~ underperforming district designation

~~(a) A district placed in Level 4 because one or more of its schools has been placed in Level 4 shall be removed from Level 4 when the district no longer has a school in Level 4, unless the district has a Level 4 District Plan and the commissioner has not yet made the determination described in 603 CMR 2.05(12)(b).~~

~~(b) A district with a Level 4 an Underperforming District Plan shall be removed from Level 4 underperforming status by the commissioner, unless it has a school or schools in Level 4, when the commissioner determines, based on evidence that may include evidence from a monitoring report or from a follow-up review, that~~

- ~~(a) the district has satisfactorily achieved the goals and benchmarks of its Level 4 Underperforming District Plan; and~~
- ~~(b) the district has the capacity to continue making progress without the accountability and assistance provided by Level 4 underperforming status.~~

2.06 Accountability and Assistance for Chronically Underperforming Districts and Schools in Level 5

(1) ~~Placement of districts in Level 5~~ Designating districts as chronically underperforming

(a) A district shall be eligible for ~~placement in Level 5~~ designation as chronically underperforming if it is not a single-school district and it scores in the lowest 10% statewide of districts of the

same grade levels on a single measure developed by the Department that takes into account at least:

1. ~~district MCAS performance over a four year period based on Composite Performance Index (CPI) in English language arts; CPI in mathematics; and percentages of students scoring in the "warning" or "failing" category on MCAS; achievement in English language arts, mathematics, and science; and~~
2. ~~improvement in student academic achievement performance~~ student growth in English language arts and mathematics.

(b) ~~The Board may place an eligible district in Level 5~~ designate an eligible district as chronically underperforming of the framework for district accountability and assistance, if the commissioner so recommends, on the basis of one or more of the following:

1. a district review report;
2. a report from an accountability monitor appointed pursuant to 603 CMR 2.05(4)(b);
3. a follow-up review report;
4. quantitative indicators such as student attendance, dismissal, suspension, exclusion, promotion, graduation, and dropout rates, upon the determination of each indicator's reliability and validity, or lack of demonstrated significant improvement for two or more consecutive years in core academic subjects, either in the aggregate or among subgroups of students, including designations based on special education, ~~low-income~~ economic disadvantage, English language proficiency, and racial classifications, or annual growth in MCAS performance for students in the district as compared with peers across the Commonwealth; or
5. the failure of a ~~Level 4~~ an underperforming district to meet, in a timely manner, the benchmarks or goals in its current ~~Level 4~~ Underperforming District Plan as approved by the Department pursuant to 603 CMR 2.05(8)(d).

(c) Not more than 2.5% of the total number of school districts may be ~~in Level 5~~ designated as chronically underperforming at any given time.

(d) Before the commissioner recommends that an eligible district be ~~placed in Level 5~~ designated as chronically underperforming, a district review team including at least one member with expertise in the academic achievement of students with limited English proficiency shall conduct a district review to assess and report on the reasons for the district's underperformance and the prospects for improvement, unless the commissioner determines that a new review is unnecessary because a district review conducted within the last year is adequate.

(e) Before ~~placing a district in Level 5~~ designating a district as chronically underperforming, the Board shall consider the findings of the most recent district review, as well as multiple quantitative indicators of district quality such as those listed in 603 CMR 2.06(1)(b)4.

(f) School district and municipal officials, including the school committee, as well as the local teachers' union or association president or designee, a representative of the local parent organization, and members of the public, shall have an opportunity to be heard by the Board before final action by the Board to ~~place the district in Level 5~~ designate the district as chronically underperforming.

(2) Placement of schools in Level 5 ~~Designating schools as chronically underperforming~~

(a) The commissioner may ~~place~~ reclassify a Level 4 an underperforming school in Level 5 as chronically underperforming at the expiration of its turnaround plan if the commissioner determines:

1. that the school has failed to improve as required by the goals, benchmarks, or timetable of the turnaround plan; or
2. that the school has failed to make significant improvement and that conditions in the district make it unlikely that the school will make significant improvement unless it is placed in Level 5 designated as chronically underperforming.

(b) Charter schools and Commonwealth of Massachusetts virtual schools shall not be eligible for designation as chronically underperforming schools. Charter schools shall also be held accountable under the provisions of M.G.L. c. 71, § 89, and 603 CMR 1.00. Commonwealth of Massachusetts virtual schools shall also be held accountable under the provisions of M.G.L. c. 71, § 94, and 603 CMR 52.00.

~~(b)~~(c) School, school district, and municipal officials, including the school committee, as well as the local teachers' union or association president or designee, a representative of the school's parent organization, and family members of students at the school, shall have an opportunity to meet with the commissioner or his or her designee before the commissioner places a school in Level 5 designates a school as chronically underperforming.

(3) Appointment and powers of receiver for a ~~district in Level 5~~ chronically underperforming district

(a) Following the ~~placement of a district in Level 5~~ designation of a district as chronically underperforming under 603 CMR 2.06(1)(b), the commissioner, on behalf of the Board, shall appoint a receiver for the district pursuant to M.G.L. c. 69, § 1K(a):

(b) The receiver shall have the powers provided to the receiver by M.G.L. c. 69, § 1K, including all of the powers of the superintendent and school committee and full managerial and operational control over the district, provided that the district shall remain the employer of record for all other purposes, and provided further that the commissioner may define the scope of the receiver's powers up to those set forth in M.G.L. c. 69, § 1K, based on conditions in the district or its schools. The commissioner may from time to time modify the scope of the receiver's powers based on conditions in the district or its schools.

(4) Replacement of receiver for a ~~district in Level 5~~ chronically underperforming district If the commissioner terminates the receiver for a ~~district in Level 5~~ chronically underperforming district pursuant to M.G.L. c. 69, § 1K(h), the commissioner shall appoint another receiver for the district in accordance with M.G.L. c. 69, § 1K(a) and 603 CMR 2.06(3)(b).

(5) Receiver for a ~~school in Level 5~~ chronically underperforming school

(a) A receiver appointed by the commissioner for a ~~school in Level 5~~ chronically underperforming school pursuant to M.G.L. c. 69, s. 1J(r), shall have all of the powers that the superintendent previously had over the school and all of the powers granted to a receiver for a ~~Level~~

5chronically underperforming school by M.G.L. c. 69, s. 1J. The receiver shall report directly to the commissioner.

(b) If the commissioner terminates the receiver for a ~~school in Level 5~~chronically underperforming school pursuant to M.G.L. c. 69, § 1J(v), the commissioner may appoint another receiver for the school in accordance with M.G.L. c. 69, § 1J(r) and 603 CMR 2.06(5)(a).

(6) Turnaround plans for ~~Level 5 schools~~chronically underperforming schools The turnaround plan developed for each ~~school placed in Level 5~~chronically underperforming school shall

(a) be authorized, pursuant to M.G.L. c. 69, § 1J(t), for a period of up to three years, and remain in effect until the statutory process to develop any new, modified or renewed turnaround plan has been completed, or the school has been removed from Level 5 chronically underperforming status;

(b) fulfill the other requirements of M.G.L. c. 69, § 1J;

(c) provide for the implementation of the conditions for school effectiveness standards and indicators in published pursuant to 603 CMR 2.03(4)2.03(5)(a) and (b);

(d) include benchmarks by which to measure progress toward the annual goals included in the plan pursuant to M.G.L. c. 69, § 1J, and the conditions for school effectiveness standards and indicators, and a timetable for achieving those benchmarks;

(e) include descriptions of the assistance to be provided by the Department in support of the action steps in the plan, subject to the availability of resources for the Department to provide the assistance; and

(f) be prepared on a format developed by the Department.

(7) Turnaround plans for ~~Level 5~~chronically underperforming districts The turnaround plan developed for each ~~district placed in Level 5~~chronically underperforming district shall:

(a) focus, pursuant to M.G.L. c. 69, § 1K(b), on any Level 5 chronically underperforming school or schools in the district and, using the most recent district review report as a guide, on any district policies or practices that have contributed to the placement-designation of the school or schools or district in Level 5 as chronically underperforming, including but not limited to district systems for school support and intervention;

(b) be authorized, pursuant to M.G.L. c. 69, § 1K(f), for a period of up to three years, and remain in effect until the statutory process to develop any new, modified or renewed turnaround plan has been completed, or the district has been removed from Level 5 chronically underperforming status;

(c) fulfill the other requirements of M.G.L. c. 69, § 1K;

(d) if the district has any Level 4 underperforming or Level 5 chronically underperforming schools, provide for the implementation in the district of the systems and processes described in 603 CMR 2.03(5) necessary to bring about the conditions for school effectiveness in 603 CMR 2.03(4)(b), including, pursuant to M.G.L. c. 69, § 1K, new turnaround plans for any Level 4 or 5 underperforming or chronically underperforming school for which the turnaround plans are deemed inadequate by the receiver.

(e) include, for the district: benchmarks by which to measure progress toward the annual goals included in the plan pursuant to M.G.L. c. 69, § 1K, and a timetable for achieving those benchmarks;

(f) describe the assistance to be provided by the Department in support of the action steps in the plan, subject to the availability of the resources for the Department to provide the assistance; and

(g) be prepared on a format developed by the Department.

(8) Quarterly reports for Level 5 chronically underperforming schools and districts

(a) Quarterly reports for Level 5 chronically underperforming schools, including the review by the commissioner to be submitted at least annually to the superintendent and the school committee, shall be submitted pursuant to M.G.L. c. 69, § 1J(u) and (v) on a format developed by the Department.

(b) Quarterly reports for Level 5 chronically underperforming districts, including the evaluation by the commissioner to be submitted at least annually to the Board and the school committee, shall be submitted pursuant to M.G.L. c. 69, § 1K(g) and (h) on a format developed by the Department.

(9) Reports to the Board The commissioner shall report regularly to the Board on the progress made by each chronically underperforming district and school in Level 5.

(10) Removal of ~~school from Level 5~~ chronically underperforming school designation

(a) The commissioner shall define for each Level 5 chronically underperforming school the academic and other progress that it must make for it to be removed from Level 5 chronically underperforming status. Such progress may include:

1. an increase in student achievement for three years for students overall and for each subgroup of students, as shown by:
 - a. an increase in MCAS scores and an increase in median-student growth percentile;
 - b. ~~a reduction in the proficiency gap;~~
 - c. ~~(for a high school) a higher graduation rate; and~~
 - d. ~~(for a high school) a measure of postsecondary success, once the Department identifies one that is sufficiently reliable, valid, and timely; and~~
2. progress in implementing the ~~conditions for school effectiveness standards and indicators described in published pursuant to 603 CMR 2.03(4)~~ 2.03(5)(a) and (b).

(b) The commissioner, in defining the required progress for each school, shall customize it to the particular reasons the school was ~~placed in Level 5~~ designated as chronically underperforming, defining it as any or all of the progress in 603 CMR 2.06(10)(a)1 and 2, or any other progress the commissioner determines appropriate.

(c) The commissioner shall remove a school from Level 5 chronically underperforming status when, at any time, the commissioner determines, based on evidence that may include a report

from the accountability monitor appointed pursuant to 603 CMR 2.05(4)(b), from the school's or district's receiver, if any, from a district review, or from a follow-up review, that:

1. the school has achieved the academic and other progress defined by the commissioner under 603 CMR 2.06(10)(a) and (b) as necessary to allow it to be removed from Level 5chronically underperforming status; and
2. the district has the capacity to continue making progress in improving school performance without the accountability and assistance provided due to the school's placement in Level 5chronically underperforming designation.

(d) The commissioner may remove a school from chronically underperforming status if the district in which the school resides is designated as chronically underperforming.

~~(d)~~ (e) At the expiration of the turnaround plan, in conducting a review of the school pursuant to M.G.L. c. 69, § 1J(w), the commissioner shall consider whether the conditions described in 603 CMR 2.06(10)(c)1 and 2 exist. If the commissioner determines that both of these conditions exist, he or she shall remove the school from Level 5chronically underperforming status.

~~(e)~~ (f) Following his review, the cCommissioner will make a determination as to whether the school has improved sufficiently to be removed from Level 5chronically underperforming status, or remains in Level 5maintains its designation as chronically underperforming. The cCommissioner will make the determination in a reasonable period of time, and in any event within 2 months following the release of MCAS test results. The cCommissioner may extend this period of time for good cause.

(11) Effect of removal of chronically underperforming school designations ~~school from Level 5;~~ transitional period

(a) Upon the commissioner's removal of a school from Level 5chronically underperforming status, the provisions of M.G.L. c. 69, § 1J, for schools designated as chronically underperforming shall no longer apply to it and the employment of any receiver for the school shall end.

(b) The district and school may continue to use the turnaround plan in order to continue to improve school performance, renewing or revising it as appropriate, provided that any feature of the turnaround plan that was adopted pursuant to M.G.L. c. 69, § 1J(o), in contravention of any general or special law to the contrary shall be discontinued unless the commissioner determined before removing the school from Level 5chronically underperforming status that such feature of the turnaround plan would contribute to the continued improvement of the school and should continue for a transitional period after the removal. The commissioner may allow more than one such feature of the turnaround plan to continue.

(c) Upon making a determination pursuant to 603 CMR 2.06(11)(b) that such feature or features of the turnaround plan should continue, the commissioner shall define the progress that the school must make for each continuing feature of the plan to be discontinued.

(d) On determination by the commissioner at any time, based on evidence that may include evidence from a school or district review or a follow-up review, that the school has made the progress defined under 603 CMR 2.06(11)(c) as necessary to allow a continuing feature of the turnaround plan to be discontinued

1. such feature shall be discontinued; and
 2. any powers granted to the commissioner or Board with respect to the school under M.G.L. c. 69, § 1J, that did not cease on removal of the school from Level 5 chronically underperforming status shall cease.
- (e) Two years after the removal of the school from Level 5 chronically underperforming status, if any of the continuing features of the turnaround plan has yet to be discontinued, the commissioner shall conduct a review of the school to determine whether such continuing feature or features should remain in place or be discontinued.

(12) Termination of receivership and removal of chronically underperforming district designation ~~district from Level 5~~

(a) The commissioner shall define for each Level 5 chronically underperforming district the academic and other progress that it must make for it to be removed from Level 5 chronically underperforming status. Such progress may include:

1. an increase in student achievement for three years for students overall and for each subgroup of students, as shown by:
 - a. an increase in MCAS scores and an increase in ~~median~~ student growth percentile;
 - ~~b.~~ a reduction in the proficiency gap;
 - ~~c.~~ a higher graduation rate; and
 - ~~d.~~ a measure of postsecondary success, once the Department identifies one that is sufficiently reliable, valid, and timely;
2. the implementation of district systems and practices that meet district standards established under 603 CMR ~~2.03(4)~~ 2.03(5); and
3. progress in implementing in the district's schools the ~~conditions for school effectiveness standards and indicators described in published~~ conditions for school effectiveness standards and indicators described in published pursuant to 603 CMR 2.03(4)2.03(5)(a) and (b).

(b) The commissioner, in defining the required progress for the district, shall customize it to the particular reasons the district was ~~placed in Level 5~~ designated as chronically underperforming, defining it as any or all of the progress in 603 CMR 2.06(12)(a)1 through 3, or any other progress the commissioner determines appropriate.

(c) The commissioner shall terminate the receivership and remove the district from Level 5 chronically underperforming status when, at any time, the commissioner determines, based on evidence that may include a report from the district's receiver or a follow-up review, that

1. the district has achieved the academic and other progress defined by the commissioner under 603 CMR 2.06(12)(a) and (b) as necessary to allow it to be removed from Level 5 chronically underperforming status; and
2. the district has the capacity to continue making progress without the accountability and assistance provided by Level 5 designation as a chronically underperforming district.

(d) At the expiration of the turnaround plan, in reevaluating the district's Level 5 chronically underperforming status pursuant to M.G.L. c. 69, § 1K(i), the commissioner shall consider whether the conditions described in 603 CMR 2.06(12)(c)1 and 2 exist. If the commissioner

determines that both of these conditions exist, he or she shall terminate the receivership and remove the district from Level 5 chronically underperforming status.

(e) Following his review, the Commissioner will make a determination as to whether the district has improved sufficiently to be removed from Level 5 chronically underperforming status, or remains in Level 5 maintains its designation as chronically underperforming. The Commissioner will make the determination in a reasonable period of time, and in any event within 2 months following the release of MCAS test results. The Commissioner may extend this period of time for good cause.

(13) Effect of removal of chronically underperforming district designation district from Level 5; transitional period

(a) Upon the commissioner's removal of a district from Level 5 chronically underperforming status, the provisions of M.G.L. c. 69, § 1K, for districts designated as chronically underperforming shall no longer apply to it and the employment of the receiver shall end.

(b) The district may continue to use the turnaround plan in order to continue to improve students' academic performance, renewing or revising it as appropriate, provided that any feature of the turnaround plan that was adopted pursuant to M.G.L. c. 69, § 1K(d), in contravention of any general or special law to the contrary shall be discontinued unless the commissioner determined, before removing the district from Level 5 chronically underperforming status, that such feature of the turnaround plan would contribute to the continued improvement of the district and should continue for a transitional period after the removal. The commissioner may allow more than one such feature of the turnaround plan to continue.

(c) Upon making a determination pursuant to 603 CMR 2.06(13)(b) that such feature or features of the turnaround plan should continue, the commissioner shall define the progress that the district must make for each continuing feature of the plan to be discontinued.

(d) On determination by the commissioner at any time, based on evidence that may include evidence from a district review, a report from the district's receiver, or a follow-up review, that the district has made the progress defined under 603 CMR 2.06(13)(c) as necessary to allow a continuing feature of the turnaround plan to be discontinued:

1. such feature shall be discontinued; and
2. any powers granted to the commissioner or Board with respect to the district under M.G.L. c. 69, § 1K, that did not cease on removal of the district from Level 5 chronically underperforming status shall cease.

(e) Two years after the removal of the district from Level 5 chronically underperforming status, if any of the continuing features of the turnaround plan has yet to be discontinued, the commissioner shall conduct a review of the district to determine whether such continuing feature or features should remain in place or be discontinued.

(14) Petition by school committee of a Level 5 chronically underperforming district

(a) When the school committee of a Level 5 chronically underperforming district petitions the commissioner, pursuant to M.G.L. c. 69, § 1K (i), for either modification of the turnaround plan

or elimination of the turnaround plan and termination of the receivership, the commissioner shall decide the petition after considering the following:

1. written arguments and supporting documentation submitted with the petition by the school committee;
2. written arguments and supporting documentation submitted in response to the petition by the receiver; and
3. the report of any follow-up review conducted since the district was ~~placed in Level 5~~ designated as chronically underperforming.

(b) If no follow-up review has been conducted within the last year before the commissioner's receipt of the petition and the commissioner determines that such a review would be useful in deciding on the petition, the commissioner may cause one to be conducted and delay the decision on the petition until 30 days after receiving the follow-up review report, provided that a decision on the petition shall be made within four months of the commissioner's receipt of the petition.

(c) Within 30 days of receiving the commissioner's decision, the school committee may appeal an adverse decision to the Board. The Board shall consider the evidence described in 603 CMR 2.06(14)(a)1 through 3 and may consider other evidence from the school committee, receiver, and commissioner. The decision of the Board shall be made within 60 days of receiving the appeal and shall be final.

(d) Neither the process before the commissioner nor the process before the Board shall be an adjudicatory hearing.

(e) No petition for the elimination of the turnaround plan and termination of the receivership shall be granted unless the commissioner or, in the case of an appeal, the Board determines

1. that the district has achieved the progress defined by the commissioner under 603 CMR 2.06(12)(a) as necessary to allow the district to be removed from ~~Level 5~~ chronically underperforming status or that the district has achieved other, comparable or superior progress; and
2. that the district has the capacity to continue making progress without the accountability and assistance provided by ~~Level 5~~ designation as chronically underperforming.

(f) Upon a decision by the commissioner or the Board granting a petition for the elimination of the turnaround plan and termination of the receivership, the receivership shall be terminated and the district removed from ~~Level 5~~ chronically underperforming status.

2.07 Mathematics Content Assessments at ~~Level 4~~Underperforming and ~~Level 5~~Chronically Underperforming Schools

(1) **Requirement of taking a mathematics content assessment** The superintendent or the school's receiver, if any, may require all mathematics teachers at an ~~Level 4~~ underperforming school to take a mathematics content assessment approved by the Department. The commissioner or the school's receiver, if any, may require all mathematics teachers at a ~~Level 5~~ chronically underperforming school to take a mathematics content assessment approved by the Department. A mathematics teacher shall be

required to take a mathematics content assessment pursuant to 603 CMR 2.07(1) no more than once a year.

(2) **Use of results** Individual results on a mathematics content assessment taken pursuant to 603 CMR 2.07(1) shall be used by the mathematics teacher and the school principal in developing or revising professional development plans, as provided in the Recertification Regulations, 603 CMR 44.04(4), and shall be considered by school and district administrators in turnaround planning in the school. These individual results are to be used for diagnostic and turnaround planning purposes only, and individual mathematics teachers' results shall not be considered public records.

(3) Exceptions

(a) A mathematics teacher who would otherwise be required to take a mathematics content assessment pursuant to 603 CMR 2.07(1) shall not be required to take it if the teacher:

1. has passed the Elementary Mathematics, Middle School Mathematics, or Mathematics test of the Massachusetts Tests for Educator Licensure or has passed or been deemed under 603 CMR 7.14(14)(g) to have passed the Mathematics subtest of the General Curriculum test of the Massachusetts Tests for Educator Licensure; and
2. is appropriately licensed for the mathematics the teacher is teaching.

(b) The superintendent or commissioner or the schools receiver, if any, may waive the mathematics content assessment requirement for an individual mathematics teacher based on a finding that the teacher has demonstrated mastery of mathematics or that special circumstances exist that make the assessment requirement inappropriate or immaterial.