

603 CMR: DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

603 CMR 2.00: ACCOUNTABILITY AND ASSISTANCE FOR SCHOOL DISTRICTS AND SCHOOLS

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2.01: Scope and Purpose

(1) 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 and those under which a school or school district may be declared chronically underperforming, resulting in accountability and assistance in accordance with M.G.L. c. 15, § 55A and M.G.L. c. 69, §§ 1J and 1K.

(2) 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

Accountability Percentile. The measure used to report each school's relative standing compared to other schools statewide. The accountability percentile shall be calculated by ranking data from all available accountability indicators for each school and combining them into a single, final percentile value, from one to 99.

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

Benchmark Assessment. 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. 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: *Charter Schools*.

Chronically Underperforming District. 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. The designation given to an underperforming school by the commissioner in accordance with M.G.L. c. 69, § 1J (l).

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

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

Core Subjects. 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.

Criterion-referenced Measure. The measure used to report a district's, school's, or subgroup's performance against targets, set by the Department, for each accountability indicator. At the district and school level, the criterion-referenced measure shall combine the results from all students in the district or school and the results from the lowest performing students in the district or school.

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

District Analysis and Review Tool or DART. 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. The comprehensive, three-year improvement plan each district is required to develop under M.G.L. c. 69, § 1I.

District Indicators. The detailed performance indicators associated with the district standards and developed by the Department.

District or School District. 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.

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

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

District Standards. The standards developed and published by the Department pursuant to 603 CMR 2.03(6)(a) and (b) that are the basis for district reviews.

ESEA. The Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*, reauthorized in 2015 as the Every Student Succeeds Act.

Follow-up Review. A review conducted following a district review to gather further information, to be used for such purposes as determining whether an underperforming district should be reclassified as chronically underperforming or whether a school or district should be removed from underperforming or chronically underperforming status.

Follow-up Review Report. The report of a follow-up review.

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Formative Assessment. 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. The system for district and school accountability and assistance developed by the Department 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).

Lowest Performing Students. The group of students who, when considering achievement on the English language arts and mathematics MCAS assessments, are among the lowest performing students in the district or school.

Mathematics Content Assessment. A diagnostic assessment of mathematics content knowledge approved by the Department that mathematics teachers at 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. Any educator who teaches mathematics in a Massachusetts public school.

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

Performance. Results or outcomes across multiple measures, including, but not limited to, achievement and student growth.

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 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 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 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. A single public school 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.

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

Student Growth. A measure of how much a student's achievement has improved from one year to the next.

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

Subgroup Percentile. The measure used to report each subgroup's relative standing compared to like subgroups statewide. The subgroup percentile shall be calculated by ranking data from all available accountability indicators for each subgroup and combining them into a single, final percentile value, from one to 99.

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Turnaround Plan. The plan to improve student achievement in an underperforming or chronically underperforming school or a chronically underperforming district that may serve as the School Improvement Plan or District Improvement Plan.

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

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

2.03: Accountability and Assistance for All Districts and Schools

(1) Framework for District and School Accountability and Assistance. The Department shall implement a system for district and school accountability and assistance, approved by the Board and known as the framework for district and school accountability and assistance, for the purpose of improving student performance. Both the priority for assistance and the degree of intervention shall increase as the severity and duration of 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) An accountability percentile, representing each school's overall relative standing compared to other schools in the state;
- (b) A criterion-referenced measure of performance against targets, set by the Department, for each accountability indicator, for:
 1. Each district or school as a whole, by using data from all students in the district or school and data from the lowest performing students in each district or school; and
 2. Each subgroup for which there is sufficient data;
- (c) A subgroup percentile, representing each subgroup's relative standing compared to like subgroups in other schools statewide;
- (d) For each district, school, and subgroup that meets the minimum group size requirement for reporting:
 1. Assessment participation rates; and
 2. Whether the district, school, or subgroup met the participation rate requirements established by the Department;
- (e) Information related to each school's need for required assistance or intervention; and
- (f) Information related to schools that demonstrate exemplary performance, as determined by the commissioner.

(3) Annual Performance Determinations. Each year, the Department will issue annual performance determinations for all public districts and schools, using the framework developed by the Department and approved by the Board.

- (a) Annual performance determinations for districts include:
 1. Districts in need of required assistance or intervention, for districts that:
 - a. Are in need of broad or comprehensive support, if designated underperforming according to 603 CMR 2.05(1) or designated chronically underperforming according to 603 CMR 2.06(1);
 - b. Are in need of focused or targeted support due to:
 - i. Low graduation rates, as defined by the federal Every Student Succeeds Act; or
 - ii. Low assessment participation rates, as defined by framework for district and school accountability and assistance.

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2. Districts not requiring assistance or intervention, for districts that do not meet any of the criteria in 603 CMR 2.03(3)(a)1. Annual performance determinations for districts not requiring assistance or intervention will be reported as the degree to which each district has met targets, based on the criterion-referenced measure in 603 CMR 2.03(2)(b)1.
- (b) Annual performance determinations for schools include:
1. Schools in need of required assistance or intervention, for schools that:
 - a. Are in need of broad or comprehensive support, if designated underperforming according to 603 CMR 2.05(2) or designated chronically underperforming according to 603 CMR 2.06(2);
 - b. Are in need of focused or targeted support due to:
 - i. Their placement among the lowest performing 10% of schools statewide, based on the accountability percentile described in 603 CMR 2.03(2)(a);
 - ii. The presence of one or more low performing subgroups, using the relative measure described in 603 CMR 2.03(2)(c);
 - iii. Low graduation rates, as defined by the federal Every Student Succeeds Act; or
 - iv. Low assessment participation rates, as defined by the framework for district and school accountability and assistance.
 2. Schools not requiring assistance or intervention, for schools that do not meet any of the criteria in 603 CMR 2.03(3)(b)1. Annual performance determinations for schools not requiring assistance or intervention will be reported as the degree to which each school has met targets, based on the criterion-referenced measure in 603 CMR 2.03(2)(b)1.
- (4) District Reviews. The Department may conduct a district review, encompassing the district and its schools, of any district.
- (5) 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.
- (6) 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.
- (7) District Improvement Planning. Every district shall develop and implement an annual self-evaluation and district improvement planning process.
- (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(5), 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.

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(8) Assistance from the Department.

(a) The Department shall make available a variety of 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 be based on the annual performance determination by the Department of the district or one or more of its schools.

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

(10) Notice and Consultation. The Department shall solicit public comment on proposed changes to the framework for district and school accountability and assistance, including changes to the indicators or the weighting of indicators in the framework. After considering the public comment, the commissioner will forward a recommendation for any proposed changes to the Board for approval.

2.04: Self-assessments for Districts and Schools Requiring Assistance or Intervention

(1) Self-assessment by Districts with Schools Requiring Assistance or Intervention. A district with one or more schools requiring assistance or intervention according to 603 CMR 2.03(3)(b) shall use a process approved by the Department to complete a self-assessment and shall address the needs identified by the self-assessment by revising its District Improvement Plan and School Improvement Plans.

(2) Self-assessment by Districts Requiring Assistance or Intervention. A district identified as requiring assistance or intervention according to 603 CMR 2.03(3)(a) shall use a process approved by the Department to complete a self-assessment and shall address the needs identified by the self-assessment by revising its District Improvement Plan and, if needed, its School Improvement Plans.

2.05: Accountability and Assistance for Underperforming Districts and Schools

(1) Designating Districts as Underperforming. The Board may 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 designated as chronically underperforming.

(2) Designating Schools as Underperforming.

(a) A school shall be eligible for 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 achievement in English language arts, mathematics, and science; and
2. student growth in English language arts and mathematics.

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

1. school MCAS achievement in English language arts, mathematics, and science;
2. change in school MCAS achievement;
3. annual student growth on MCAS for students at the school as compared with peers across the Commonwealth;
4. in the case of high schools, graduation and dropout rates; or

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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, economically disadvantaged, English 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: *Charter Schools*. 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: *Commonwealth of Massachusetts Virtual Schools*.
- (d) Not more than 4% of the total number of public schools may be designated as underperforming or chronically underperforming, taken together, at any given time.
- (3) Notification. The Department shall notify districts 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 designated as underperforming.
- (4) Appointment of Assistance and Accountability Personnel. Upon designating a district as underperforming, the Department may make any or all of the following appointments:
- (a) an assistance lead:
 1. to support the district in developing and carrying out a turnaround plan for each of its 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 underperforming schools, if any, are being met; and
 2. if the district has 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 Underperforming Schools.
- (a) The turnaround plan developed for each school designated as underperforming shall:
 1. be authorized, pursuant to M.G.L. c. 69, § 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 underperforming status;
 2. fulfill the other requirements of M.G.L. c. 69, § 1J;
 3. provide for the implementation of the standards and indicators published pursuant to 603 CMR 2.03(6)(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 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).

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- (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, propose modifications to 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).
- (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 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.

- (a) If the superintendent appoints a receiver for an underperforming school pursuant to M.G.L. c. 69, § 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, § 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 an underperforming school 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 Underperforming Districts.

- (a) The turnaround plan developed pursuant to 603 CMR 2.05(5) for any underperforming school shall include, among its provisions pursuant to 603 CMR 2.05(5)(a)3. for the implementation of the standards and indicators, provisions for the improvement of district systems for school support and intervention in accordance with the standards and indicators published pursuant to 603 CMR 2.03(6)(a) and (b).
- (b) If a district has been designated as underperforming pursuant to 603 CMR 2.05(1), the Department shall notify the underperforming district that it is required to develop an Underperforming District Plan in order to correct the serious deficiencies identified in the district pursuant to 603 CMR 2.05(1).
- (c) Each underperforming district notified by the Department pursuant to 603 CMR 2.05(8)(b) shall develop an Underperforming District Plan that includes goals and benchmarks appropriate to the reasons it has been required to develop an Underperforming District Plan, along with strategies, action steps, and a timetable for achieving those goals and benchmarks. The Underperforming District Plan shall be prepared on a format provided by the Department.

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(d) An underperforming district shall submit any required Underperforming District Plan and any successor Underperforming District Plan for approval by the Department. A district whose 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 Underperforming District Plan or approved successor 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 designated as underperforming.

(10) Removal of Underperforming School Designation.

(a) The commissioner shall define, for each underperforming school, the academic and other progress that it must make for it to be removed from 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 student growth;
 - b. (for a high school) a higher graduation rate; and
 - c. (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 standards and indicators published pursuant to 603 CMR 2.03(6)(a) and (b).

(b) The commissioner, in defining the required progress for each school, shall customize it to the particular reasons the school was designated as underperforming, defining it as any or all of the progress in 603 CMR 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 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 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 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 underperforming status.

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

(f) Notwithstanding the foregoing requirements of 603 CMR 2.05(10), the commissioner may remove from underperforming status any school for which he or she approves a proposal by the district to close the school.

(11) Commissioner's Authority to Refrain from Issuing Annual Performance Determinations for Districts and Schools.

(a) The Commissioner may, for good cause arising from the state of emergency due to the COVID-19 pandemic, direct the Department in the fall of 2021 to refrain from issuing any or all of the reported measures and annual performance determinations for school year 2020-2021, as described in 603 CMR 2.03(2) through (3). The Commissioner may direct that schools and districts maintain their most recent accountability determinations for an additional year.

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(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 underperforming status, the superintendent proposed to continue such feature of the turnaround plan for a transitional period after the school's removal from 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 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 underperforming status shall cease.

(e) Two years after the removal of the school from 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 Underperforming District Designation. A district with an Underperforming District Plan shall be removed from underperforming status by the commissioner 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 Underperforming District Plan; and
- (b) the district has the capacity to continue making progress without the accountability and assistance provided by underperforming status.

2.06: Accountability and Assistance for Chronically Underperforming Districts and Schools

(1) Designating Districts as Chronically Underperforming.

(a) A district shall be eligible for 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 achievement in English language arts, mathematics, and science; and
2. student growth in English language arts and mathematics.

(b) The Board may designate an eligible district as chronically underperforming, 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;

2.06: continued

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, 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 an underperforming district to meet, in a timely manner, the benchmarks or goals in its current 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 designated as chronically underperforming at any given time.
- (d) Before the commissioner recommends that an eligible district be 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 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 designate the district as chronically underperforming.
- (2) Designating Schools as Chronically Underperforming.
- (a) The commissioner may reclassify an underperforming school 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 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: *Charter Schools*. 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: *Commonwealth of Massachusetts Virtual Schools*.
- (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 designates a school as chronically underperforming.
- (3) Appointment and Powers of Receiver for a Chronically Underperforming District.
- (a) Following the 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.

2.06: continued

- (4) Replacement of Receiver for a Chronically Underperforming District. If the commissioner terminates the receiver for a 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 Chronically Underperforming School.
- (a) A receiver appointed by the commissioner for a chronically underperforming school pursuant to M.G.L. c. 69, § 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 chronically underperforming school by M.G.L. c. 69, § 1J. The receiver shall report directly to the commissioner.
- (b) If the commissioner terminates the receiver for a 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 Chronically Underperforming Schools. The turnaround plan developed for each 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 chronically underperforming status;
- (b) fulfill the other requirements of M.G.L. c. 69, § 1J;
- (c) provide for the implementation of the standards and indicators published pursuant to 603 CMR 2.03(6)(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 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 Chronically Underperforming Districts. The turnaround plan developed for each chronically underperforming district shall:
- (a) focus, pursuant to M.G.L. c. 69, § 1K(b), on any 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 designation of the school or schools or district 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 chronically underperforming status;
- (c) fulfill the other requirements of M.G.L. c. 69, § 1K;
- (d) if the district has any underperforming or chronically underperforming schools, provide for the implementation in the district of the systems and processes described in 603 CMR 2.03(6) including, pursuant to M.G.L. c. 69, § 1K, new turnaround plans for any 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.

2.06: continued

(8) Quarterly Reports for Chronically Underperforming Schools and Districts.

(a) Quarterly reports for 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 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.

(10) Removal of Chronically Underperforming School Designation.

(a) The commissioner shall define for each chronically underperforming school the academic and other progress that it must make for it to be removed from 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 student growth;
 - b. (for a high school) a higher graduation rate; and
 - c. (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 standards and indicators published pursuant to 603 CMR 2.03(6)(a) and (b).

(b) The commissioner, in defining the required progress for each school, shall customize it to the particular reasons the school was 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 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 chronically 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 chronically 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.

(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 chronically underperforming status.

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

(11) Effect of Removal of Chronically Underperforming School Designation; Transitional Period.

(a) Upon the commissioner's removal of a school from chronically 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.

2.06: continued

- (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 chronically 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 chronically underperforming status shall cease.
- (e) Two years after the removal of the school from 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.

- (a) The commissioner shall define for each chronically underperforming district the academic and other progress that it must make for it to be removed from 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 student growth;
 - b. a higher graduation rate; and
 - c. 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(6); and
 3. progress in implementing in the district's schools the standards and indicators published pursuant to 603 CMR 2.03(6)(a) and (b).
- (b) The commissioner, in defining the required progress for the district, shall customize it to the particular reasons the district was 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 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 chronically underperforming status; and
 2. the district has the capacity to continue making progress without the accountability and assistance provided by designation as a chronically underperforming district.
- (d) At the expiration of the turnaround plan, in reevaluating the district's 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 chronically underperforming status.

2.06: continued

(e) Following his or her review, the commissioner will make a determination as to whether the district has improved sufficiently to be removed from chronically underperforming status, or maintains its designation as chronically underperforming. The commissioner will make the determination in a reasonable period of time, and in any event within two 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; Transitional Period.

(a) Upon the commissioner's removal of a district from 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 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 chronically underperforming status, shall cease.

(e) Two years after the removal of the district from 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 Chronically Underperforming District.

(a) When the school committee of a 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 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.

2.06: continued

- (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 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 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 chronically underperforming status.

2.07: Mathematics Content Assessments at Underperforming and 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 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 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 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.

REGULATORY AUTHORITY

603 CMR 2.00: M.G.L. c. 69, §§ 1B, 1J, and 1K, and M.G.L. c. 71, § 38G.