#### Meeting of the School Diversity, Equity, Inclusion and Justice (DEIJ) Subcommittee Tuesday, January 16, 2024 6:00 PM – 7:50 PM Remote via Zoom

Diversity, Equity, Inclusion and Justice (DEIJ) Subcommittee Members present: Valerie Frias (Chair), Steven Ehrenberg, Natalia Linos, and Mariah Nobrega. Other School Committee members present: Andy Liu. Staff present: Liza O'Connell, Claire Galloway-Jones, Christina Hernandez, and Betsy Fitzpatrick.

#### 1. Approval of November 20, 2023 Joint Meeting Minutes

On a motion of Dr. Ehrenberg, and seconded by Ms. Nobrega, the Diversity, Equity, Inclusion and Justice (DEIJ) Subcommittee voted, by roll call, with 4 in favor (Ms. Frias, Dr. Ehrenberg, Dr. Linos, and Ms. Nobrega), 0 opposed, and 0 abstentions, to approve the minutes of the November 20, 2023 Joint Meeting of the DEIJ and Policy Subcommittees.

#### 2. Public Comment

The following members of the community joined the meeting to share public comment: Romana Mohiuddin, Devon Oberle, Dana Ramon, Danielle Lenz, Abby Erdmann, Marco Bitran, Yana Schechterman, Danna Perry, and Ruvi Kitov. Ms. Mohiuddin, PSB parent, asked that the district consider students of all abilities when leveling courses at Brookline High School, so that all students have the resources and support they need, including students who are advanced learners or those who progress at a faster rate than their peers. Support for students should be distributed equitably to students at all levels. Ms. Oberle, BHS teacher, spoke in support of the district's proposed equity audit. She commended the many activities and programs at BHS designed to address inequities, but noted that to make meaningful change we really need to conduct an equity audit that will provide data about the district's strengths and weaknesses. Ms. Ramon, PSB parent, asked school leaders to take active steps to combat Jew hatred. Our Jewish and Israeli students have been suffering since the October 7 Hamas attack, and the school district should support them like it has supported other student minority groups in the past. She asked that the district also take steps to educate our teachers and students about Jew hatred. Ms. Lenz, PSB parent, emphasized the importance of including Jewish students among those served by the efforts of the district's DEIJ initiatives and programs. Students who are subject to Islamophobia should also be included in DEIJ efforts, as well as any others who are victims of any type of hatred expressed in our school community. Ms. Erdmann, retired PSB teacher, commented that to disrupt racism we must all contribute to the solution. An equity audit is well worth the expense, as it will lead the district to comprehensive solutions and meaningful social justice. The district's work – by the School Committee, school leaders, and caregivers - must begin and end with equity. Mr. Bitran, PSB parent, remarked on DEIJ efforts in relation to the Jewish community in Brookline. Brookline's Jewish community is very diverse, and so should be served by the district's DEIJ efforts. Teachers need education in identifying anti-Semitism, and they need instruction in the history of the Jews. He encouraged the district to provide an appropriate budget to ensure these issues are addressed. Ms. Schechterman, Ms. Perry and Mr. Kitov (PSB parents), addressed the subcommittee consecutively to share the results of a survey they conducted of BHS Jewish/Israeli students in December 2023. Ms. Schechterman shared the 11 student responses to question 1 on the student survey: "What does it feel like to be Jewish or Israeli at BHS after October 7?"

Ms. Perry shared 11 student responses to question 2 of the survey: "*What do you need most from Brookline High School teachers and staff right now*?". Mr. Kitov remarked that every student should feel safe and welcome in our schools, and while hearing the results of the student survey is difficult, it is important. He issued a call to action to school leaders to create clear definitions of what constitutes hate speech, and to create protocols and guidelines for investigating hate speech that will be a benefit to all students at BHS.

### 3. Update on Proposed Equity Audit and Discussion of Equity Goals in the District Strategic Plan

Ms. Galloway-Jones (Senior Director) and Ms. Hernandez (Assistant Director), of the PSB Office of Educational Equity (OEE), shared the attached presentation with the following goals: to understand and connect the PSB vision/goals, and DESE vision, to OEE's roadmap for educational equity; to align the proposed Equity Audit to the PSB Strategic Plan; and to unpack and connect curricular reviews to educational equity work. A culturally competent and responsive community will align with the following three main areas: set high expectations, embrace and value differences to promote student belonging, and provide targeted and evidence-based supports and accommodations to support students. Culturally responsive leaders focus on academic success, cultural competence, and developing students' and educators' abilities to think critically about the world around them. A culturally responsive practice requires that educational leaders understand and simultaneously attend to: a strong foundation and cultural understanding; the academic success of all students; cultivating and deepening the cultural competence of themselves and the adults they lead; the cultivation of sociopolitical consciousness.

Ms. Galloway-Jones described OEE's goals for this year as follows: listening and building trust; increase PSB's data collection measures for educators, staff, and families (including amending current data collection measures to be culturally relevant and equitable, to provide accurate, actionable data on the current state of our school system); acknowledge and name areas of strength and improvement; establish a plan for Portrait of Culturally Competent and Responsive School District and Educator; continue to building upon a plan for capacity-building; and establishing consistent communication. Ms. Galloway-Jones noted this is a preliminary work plan for OSS, and she looks forward to presenting a more detailed plan to the School Committee in the spring.

Ms. Hernandez provided information about OEE's proposed Equity Audit, noting that the goal of an equity audit is to identify institutional practices that produce discriminatory trends in data that affect students. Equity audits analyze data in three key areas: *programmatic equity* (discipline procedures/protocols, student enrollment in Special Education, AP, Honors; and scheduling and staffing), *teaching quality equity* (educator knowledge of best instructional practices, rates of educator turnover across schools, rates of educator certification and experience), and *achievement equity* (analyze inequities in achievement at each grade level using state assessments). Ms. Hernandez' presentation highlighted the alignment of the proposed Equity Plan to the district strategic plan, noting that there are 20+ action items in the Strategic Plan that will be enhanced by the results of the Equity Audit, largely within Goal 1 (Teaching and Learning) and Goal 3 (Climate and Culture). Members asked if the FY25 budget request for the Equity Audit (in the Superintendent's FY25 Initial Budget Request) will cover all of the proposed work, or only a subset of the work; Ms. Galloway-Jones reported that the requested amount will fund a full, comprehensive Equity Audit, with data in all of these areas. Members asked about funding that might be needed in the out-years, after the Equity Audit is completed and work is planned to address the findings. Ms. Galloway-Jones noted that the FY25 funding request for Equity Leads in each school (to be continued in the out-years) and the professional development planned, should allow the district to act on the findings with minimal budget impact.

Ms. Hernandez summarized the recent program and curricular reviews that the school district has conducted, including the Response to Intervention/CST Review, the Middle School Review, the Social Studies Curriculum Equity Audit, and the World Language Program Review. She noted that one major difference between these reviews and the Equity Audit is that the Equity Audit will take a comprehensive look at all grades in the district, preK-12. Some of the results from these previous reviews include: each school operates autonomously and has varying level of RtI implementation; schools are aligned in the core curriculum and literacy interventions, but there is wide variation across schools on the use of evidence-based interventions; schools have varying degrees of parent/guardian/student engagement and participation in the CST process; SEL and behavioral tiered intervention implementation varies by school, and the allocation of counselors, BCBAs and social adjustment counselors varies by school; enacted lessons are not meeting the standards of rigor or cultural responsiveness; the experiences of METCO students are varied, and other identifying factors provide more insight into METCO student success; students in the same courses are having inequitable learning experiences; teachers are responsible for the majority of the cognitive lift during instruction, and students opt in or out of a productive struggle; the amount of annual time on learning that a student receives in a given subject can vary considerably between schools, and across grade levels in the same school; there is no universal definition of what constitutes a full workload for middle school classroom teachers, resulting in uneven use of teacher time and talent; and the world language program does not provide equitable access to students who have service on their IEPs.

Ms. Hernandez closed the presentation by noting the importance of conducting an equity audit by referring to data pulled from the 152 responses to the OEE educator and staff feedback form to the question: *To what extent do students of historically marginalized backgrounds feel a sense of belonging at your school?* She reported that 76.4% of the educator/staff respondents believe that those students only feel some sense, little sense or no sense of belonging. Members thanked Ms. Galloway-Jones and Ms. Hernandez for the presentation. Some member questions and comments included:

The OEE goals outlined in this presentation differ from the goals in FY25 budget book. Ms. Galloway-Jones explained that the equity work is a combination of both, and is being done in parallel. The work to build capacity will actually begin this year, and increase next year with the additional requested funding for Equity Leads. Professional development and coaching are ongoing.

*Please describe the proposed Equity Leads - who are they and what they will do.* The Equity Leads will be educators in each school (2 at each K-8 school and 4 at BHS) who are already taking an active lead in educational equity work. The work to address educational equity can't be done by just a 2-person OEE office; these leads will help build the district's capacity to address educational equity issues at the school level. The work will rely on a train-the-trainer model to move educational equity efforts forward.

The district already has a substantial amount of disproportionality data available through recent reviews and presentations. The equity audit doesn't seem likely to produce much new data. Members are very

supportive of funding OEE's activities to combat disproportionality. Is it necessary to fund an audit to identify data we largely already know? Ms. Galloway-Jones noted that she will carefully consider this comment, but she does believe a comprehensive equity audit – from BEEP through grade 12 – is necessary and will be fruitful. The audit will allow the district to dig deeper into the disproportionality, identify root causes, and then develop a plan to tackle the issues.

There has been a shift to consider not just cultural competency, but more broadly to consider structural competency; that is, to take a close look at the structural issues impacting disproportionality. It will be important for OEE leaders to apply a structural lens when conducting the equity audit, and to have clear action steps (at the classroom level, at the curriculum level, at the district level, etc.) so that the focus will not just be on identifying the problem, but will be on clearly articulated and thoughtful solutions.

#### 4. Inclusion in Life of the School Activities Policy: Discussion and Possible Vote

Ms. Nobrega presented the current draft of the policy (attached), and Linda Monach, PSB parent and SEPAC co-chair, joined the meeting. The discussion of the draft policy included: using language that clearly identifies Out of District students as fully part of the district (without "othering" them); how should the policy should identify a student's home school (should it be their neighborhood school? or, the last PSB school they attended? use the word affiliated, and not designated, so that caregivers and staff will have flexibility in responding to student voice and choice); is the policy, as written, too broad – will any student (regardless of IEP status), be able to request accommodations to return to any prior school for activities?

Is it up to the IEP team to determine the feasibility of staffing programs that are less than fullyear? Will the request for accommodations be part of the annual IEP meeting, or will ad hoc meetings need to be scheduled? It was suggested that the requests should be part of the IEP annual meeting, to allow proper time for planning. Ms. O'Connell noted that the new IEP process and forms – with their focus on student voice and student interest - will help to facilitate the work required to implement this policy, but there may be times when unbudgeted, financial commitments are an outcome of a request for accommodations for a non-academic, extracurricular activity. Staff training will be necessary to implement this policy.

The extended day directors reviewed the draft policy, and collectively shared several questions. Some of their questions may be answered in the policy, while some questions will need to be answered by staff.

#### Questions from the Extended Day directors (provided collectively)

- Who is hiring the teachers or support staff for each particular child?
- How will reimbursement work from the town to our programs?
- Who is responsible for making sure all IEP accommodations are being met in an extended day?
- What is the timeline for the school to inform us of each child's needs? Generally hiring will need to be confirmed before the child begins attending.
- Is the school noting that they will provide support with professional development, materials needed, classroom spaces and other specialized tools that some students require?
- Will there be any training provided to our staff members for those kiddos who are on IEPs? Or will this work be taken on exclusively by the person hired by PSB for this purpose?
- Are parents of students on IEPs going to be made aware of the changing policy?

- Some parents don't even indicate that their children may require accommodations on their enrollment forms (even though we ask!) Will we need to provide a list of our enrolled students to the town for them to determine who is eligible?
- Thinking of this from a budgetary perspective, placing the burden on PSB to provide communication from OSS and finance additional qualified staff will inevitably come back and fall on us in the form of rent, right? What is the hidden cost of the policy?

Ms. Nobrega asked Ms. O'Connell to review these questions and develop answers to report back to the extended day directors. It was agreed that Ms. O'Connell and Dr. Givens will provide an estimate as to the potential cost of implementing this policy, by category (support for extended days, transportation costs, miscellaneous). Ms. Nobrega will share the draft policy with Parent Leaders at their next meeting on Friday, January 19. The revised draft will be presented at the Policy Subcommittee meeting on January 22, and will then be scheduled for a 1<sup>st</sup> Reading before the School Committee (probably on February 8).

#### 5. New and Business

There was no new or old business to report.

The meeting adjourned at 7:50pm.



### Office of Education Equity - DEIJ Subcommittee 1.16.23

## **Tonight's Goals**

- To understand and connect PSB vision/goals, and DESE vision to OEE's preliminary roadmap for educational equity
- To align the proposed Equity Audit to PSB Strategic Plan
- To unpack and connect curricular reviews to educational equity work



## **PSB Vision and Goals**

#### Vision:

Brookline provides every student with an extraordinary education, through enriching learning experiences and a supportive community, so that they may develop to their fullest potential.

#### Goals:

- Joy in Learning
- Excellence in Teaching
- Culture of Collaboration
- Celebration of Difference
- Commitment to Equity
- Ethic of Wellness



## **DESE** Vision

### Department of Elementary and Secondary Education (DESE)

### **Educational Vision**

DESE Vision...the goal of this work is to "support students to thrive by creating affirming environments where students feel seen, engage in deeper learning, and are held to high expectations with targeted support"; to realize this vision, educators must have the mindset, knowledge, and capacity to serve all students well, particularly students from historically underserved groups and communities.

- All Students are known and valued
- Learning experiences are relevant, real-world & interactive
- Individualized supports enable students to excel at grade level (or beyond)



## **Takeaways and Alignment**

+

#### **High Expectations**

Students learn through curriculum and instruction that aligns with Massachusetts curriculum frameworks at or above their grade level, connects to their identities, and utilizes evidence-based practices.

#### Embracing and Valuing Differences

Students and families have a sense of belonging: they are students have a sense of belonging, known, respected, and valued for who they are and what they engage in deeper learning, and are bring to the school community, including their unique identities, strengths, interests, needs, languages, exceptionalities, and backgrounds.

#### Targeted and Supportive Community

Students receive necessary evidence-based supports and accommodations to learn knowledge and skills at grade level (or beyond). Students with disabilities receive carefully designed instruction that accelerates their growth towards learning goals.

#### **Culturally Competent and Responsive Community**

A community that is rooted in Equity as the foundation of excellence and achievement



# Portrait of a Culturally Competent and Responsive District (CCRD)

To consistently provide each student access to the learning opportunities they need to excel, schools need strong culturally responsive leaders...Culturally responsive leaders focus on academic success, cultural competence, and developing students' and educators' abilities to think critically about the world around them. They create learning experiences intentionally built to meet the needs of every child. Being culturally responsive is the work at the heart of making school systems more equitable.





# Portrait of a Culturally Competent and Responsive District (CCRD) cont.



- Equity and access
- Mission, vision, and core values
- Instruction
- Adult learning and development
- Operations and resources
- Personal learning and development
- Strategic change and continuous improvement



## **Culturally Responsive Practice**

**CULTURALLY RESPONSIVE PRACTICE**: The use of this term is specific and deliberate and requires that education leaders understand and simultaneously attend to:

- A strong foundation of cultural understanding
- The academic success of all students
- Cultivating and deepening the cultural competence of themselves and the adults they lead
- The cultivation of sociopolitical consciousness



## **Preliminary Plan**

### **Goals For This Year:**

- Listening and building trust
- Increase PSB's data collection measures for educators, staff, and families
  - Amend current data collection measures to be culturally relevant and equitable
  - All of this to provide accurate, actionable data on the current state of our school system and belongingness from every angle
- Acknowledge and name areas of strength and improvement
- Establish plan for Portrait of a Culturally Competent and Responsive School District and Educator
- Continue to build upon a plan for capacity building
- Establishing consistent communication



## What You Get From an Equity Audit

The goal of an equity audit is to identify institutional practices that produce discriminatory trends in data that affect students. Schools and districts conduct audits to analyze data in three key areas: programmatic equity, teaching quality equity, and achievement equity (Skrla, McKenzie & Scheurich, 2009). – <u>Intercultural Development Research Association</u>

#### Findings Generated by an Equity Audit

#### **Programmatic Equity:**

- Discipline procedures/protocols
  - Who is being disciplined and how?
- Enrollment of students in Special Education, AP, Honors, standard classes
- Scheduling and staffing How are these factors impacting the preparedness of students and the experience students and educators/staff are having across PSB?

#### **Teaching Quality Equity:**

- Educator knowledge of best instructional practices
- Rates of educator turnover across schools
  - Do certain schools have higher turnover rates than others and why?
- Rates of educator certification and experience/expertise across all programs and schools

#### **Achievement Equity:**

- Analyzes inequities in achievement at each grade level based off of state assessments
- Retention, both grade-level specific and school-wide



#### **Goal 1: Teaching and Learning**

- Complete equity audit to diagnose issues related to DEIB 2025
- Design elementary schedules that allow for consistent time on learning in each content area 2025
- Comprehensive root cause analysis to understand the influences on the outcomes observed in the Year 1 analyses of DEIB 2026
- Develop strategy to address root causes identified in the equity audit 2026
- Implementation of MTSS model 2026
- 75% of PD will be on PLCs 2026
- Implement equitable K-12 schedules 2026
- Reform and Monitor district and school leaders initiate the strategies in the Equity Framework, and implement research-based practices to address the inequities identified in Years 1 and 2 2027
- Monitor the impact changes in DEIB policy and practices are making with stakeholders 2027
- Implement PLC model 2027

#### **Goal 3: Climate and Culture**

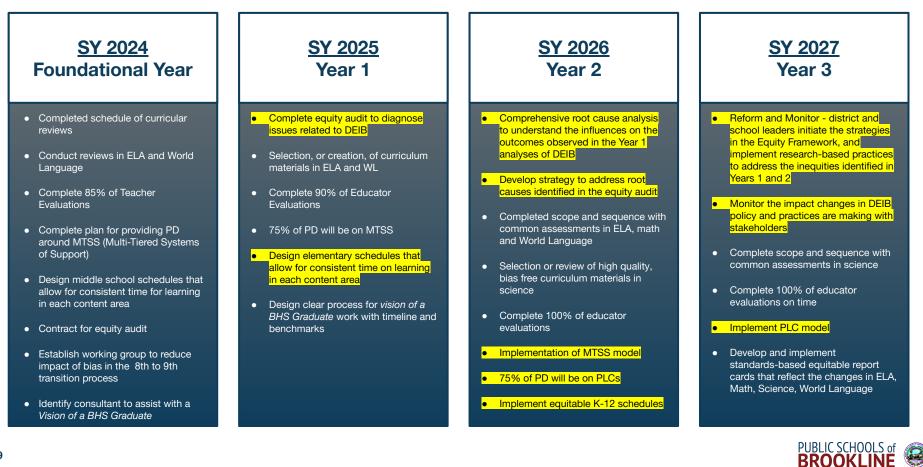
- Provide professional development and coaching to staff that focuses on inclusion and differentiation. 2025
- Develop processes and procedures for CST that support belonging, engagement, and inclusion. –2025
- Recommendations from the Climate and Culture working group will developed to strengthen practices and supports across all schools that focus on increasing student, staff, and family school belonging. 2026
- Recommendations from the Attendance and Engagement working group will be developed to strengthen practices and supports across all schools that focus on increasing attendance and engagement. 2026
- Use the annually conducted Panorama Teacher/Staff and Family Surveys to develop new strategic initiatives related to staff belonging. 2027
- Use the tri-annually conducted Panorama Student Survey to develop new initiatives related to belonging, engagement, and mental health. –2027

#### Goal 2: Community & Connections; Goal 4: Management and Capacity; Goal 5: Governance

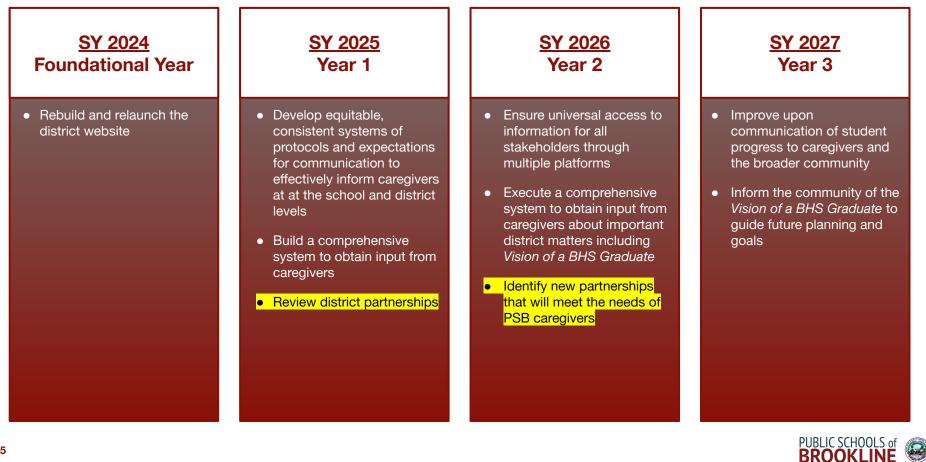
- Goal 2: Review and identify new district partnerships 2025 and 2026
- Goal 4: Implement best practices, policies, and procedures in developing, articulating, monitoring and reviewing the financial plan aligned with the educational plan (Strategic plan and SIP's, vision, values, mandates, etc.) 2026
- Goal 4: Review, develop and implement employee induction, mentoring, and other employee support programs to reduce staff turnover, build employee capacity to be leaders within their profession, support employee well-being, and create esprit de corps within the organization around the shared values articulated in the strategic plan. 2026
- Goal 5: OEE will design an organizational structure that meets the needs of the district. 2025

### Alignment to Strategic Plan

Goal 1: Teaching and Learning - Increase achievement for students by establishing, implementing, and regularly assessing an equitable cohesive, culturally relevant, consistent standards-based curriculum in ELA, Math, Science, Social Studies and World Language delivered using evidence-based, culturally responsive instruction.

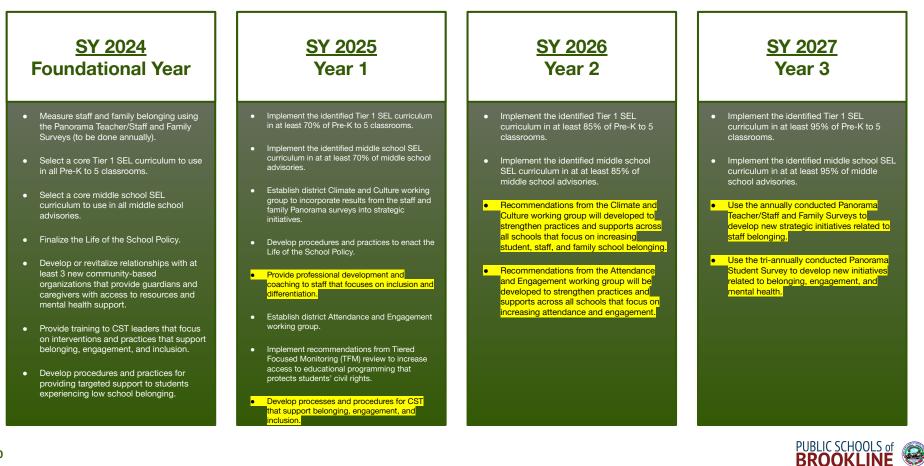


Goal 2: Community and Connections – Develop and implement a culturally responsive community engagement plan that fosters connections among caregivers, schools, the district and the greater community

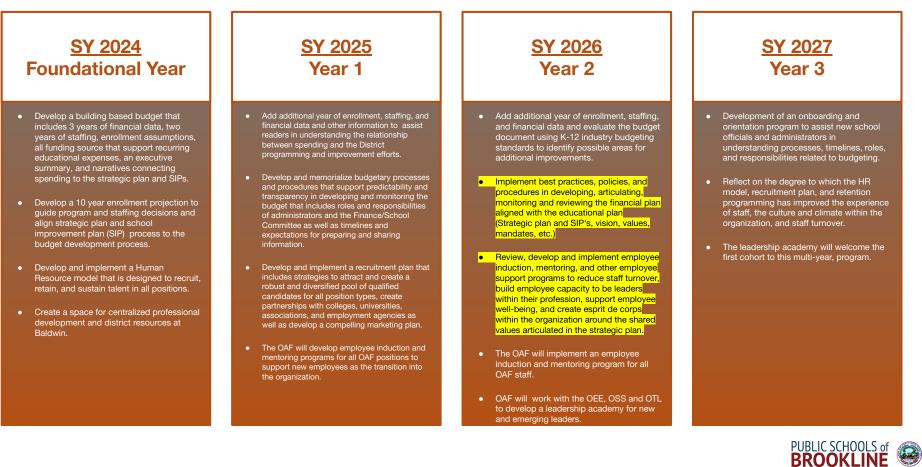


15

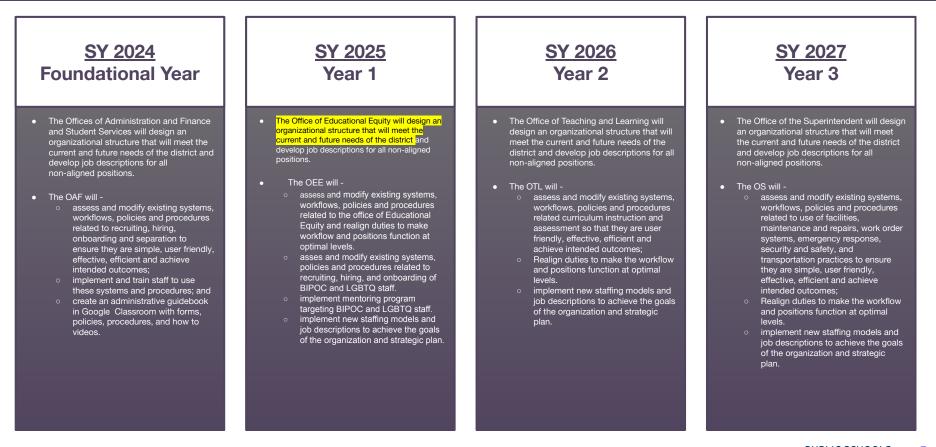
Goal 3: Climate and Culture – Develop and implement a culturally responsive community engagement plan that fosters connections among caregivers, schools, the district and the greater community



Goal 4: Management and Capacity Building – Develop resource management and capacity-building systems that will ensure educational and organizational goals are accomplished timely and with transparency.



Goal 5: Governance – Develop resource management and capacity-building systems that will ensure educational and organizational goals are accomplished timely and with transparency.





#### **<u>RTI (Response to Intervention) Review</u>**

- **2021**
- Grades K-8
- New Teacher Center
- District's Response to Intervention and Child Study Team implementation

#### **Middle School Review**

- **February 2023**
- Grades 6-8
- K-12 Solutions
- Scheduling, staffing across PSB middle schools

#### **Social Studies Curriculum Equity Audit**

- October 2022- April 2023
- Grades 6-12
- New Teacher Center
- State of Social Studies instruction and culturally relevant pedagogy across the district (SS only)

#### **World Languages Review**

- June 2023
- K-8
- PEARLL (Professionals in Education Advancing Research and Language Learning)
- Strengths and high-leverage changes to strengthen WL program

### What Reviews Have Been Done So Far?

(all reviews linked in <u>titles)</u>

### What Was Yielded From These Reviews

Note: MS Review did *NOT* take into account schedule for English Language Learners and students receiving Special Education services.

- Each school operates autonomously and has varying levels of Rtl implementation. (<u>RTl</u>, pg 6)
- Schools are aligned in the core curriculum and literacy interventions, but there is a great deal of variation across schools and a need for District wide curriculum expectations and the use of evidence-based interventions. (<u>RTI</u>, pg 9)
- Schools have varying degrees of parent/guardian/student engagement and participation in the CST process. (<u>RTI</u>, pg 10)
- SEL and Behavioral tiered intervention implementation does vary by school and the allocation of Counselors, BCBAs and Social Adjustment Counselors varies by school. (<u>RTI</u>, pg 11)
- Enacted lessons are not meeting the standards of rigor or cultural responsiveness. (<u>SS</u>, pg 8)
- The experiences of METCO students are varied, and other identifying factors provide more insight into student success. (<u>SS</u>, pg 8)



### What Was Yielded From These Reviews (cont'd)

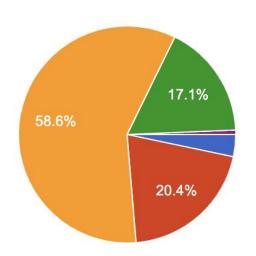
- Students in the same courses are having inequitable learning experiences. (<u>SS</u>, pg 12)
- Teachers are responsible for the majority of the cognitive lift during instruction and students opt in or out of a productive struggle. (<u>SS</u>, pg 15)
- The amount of annual time on learning a student receives in a given subject can vary considerably between schools and across grade levels in the same school. (<u>MS</u>, pg 10)
- There is no universal expectation or definition of what constitutes a "full" workload for middle school classroom teachers, resulting in uneven use of teacher time and talent. (<u>MS</u>, pg 36)
- Program does not provide equitable access to world language learning experiences for all students. (<u>WL</u>, pg 15)
  - "Students who have service on their IEPs are not able to participate in language classes to the extent of their non-disabled peers."



## Why We Need an Equity Audit

8. To what extent do students of historically marginalized backgrounds feel a sense of belonging at your school?

152 responses



Very strong sense of belonging
Strong sense of belonging
Some sense of belonging
Little sense of belonging
No sense of belonging

### 76.4% Some to No Sense of Belonging

Data pulled from OEE Educator and Staff Feedback Form on Tuesday, January 16th, 2024



#### Inclusion in Life of the School Outside of the School Day Policy

#### Background

The Public Schools of Brookline (PSB) are committed to sustaining inclusive classrooms, schools, and systems that foster a sense of belonging for all students, including PSB out of district students, to participate in the life of their home-designated PSB school and district-wide activities made available to students by the districts. The PSB recognizes that participation in school activities outside of the school day enrich our students' lives, provide stability of care, and increase their sense of belonging in their school community. To this end, the district adheres to all state and federal mandates<sup>1</sup> regarding system-wide access to all school activities, with the provision of reasonable accommodations based on individual student need.

Some activities and programs that are typically considered to be outside of the school day include (these are examples and not to be considered exhaustive):

- extended day programs
- plays, choir, band, or other performances,
- sports teams or clubs,
- clubs or enrichment programs for cooking, math, photography, and other subjects, and
- school newspapers or yearbook committees.

#### Accommodations to be Provided Outside of the School Day

PSB is committed to providing the needed accommodations to access these activities and programs to the greatest extent possible as is appropriate to the needs of the student as set forth in 34 CFR 300.107 (see Footnote 1). The level of accommodation to be provided shall be determined by the Office of Student Services, in consultation with parents/caregivers and the student's Individualized Education Program (IEP) team. In the case of programs that are less than full-year, accommodations should consider explicitly the feasibility of staffing.

In the case of competitive programs such as athletics and some choir and theater productions, participation may be determined through a try-out process, which means a student will need to perform at a certain level to join the program or team. However, even in competitive programs, a student with disabilities has a right to try out with reasonable accommodations as determined by that student's IEP team. For example, if a hard of hearing student wants to join the track team, it is reasonable for the coach to wave a flag rather than blow a whistle to signal to the runners that the race is starting.

**Commented [Im1]:** Why do we say this instead of "all students in the LEA of Brookline" - this makes it sound like OOD students are different and normally not included

<sup>&</sup>lt;sup>1</sup> Under Section 300.107 of the Individuals with Disabilities Education Act (IDEA), <u>available at https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFRf27988d69cd5d3a/section-300.107</u>

<sup>&</sup>quot;Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities."

In other words, every student has a right to equal access to school-sponsored activities such as clubs, arts programs, music, school spirit events, sports, and dances. The Individuals with Disabilities Education Act does not explicitly define extracurricular activities, however lists generalized examples, including "athletics," "recreational activities," and "special interest groups or clubs."

#### In the case of programs that are less than full year, accommodations should consider explicitly the feasibility of staffing.

#### Third-Party Compliance with this policy

Third-Party providers include service providers who operate in one or more PSB buildings, before or after the school day, exclusively or primarily serving PSB students: <u>i.e.e.g.</u>, extended days, PTOs, enrichment programs, Brookline Music School, and Brookline Recreation, <u>etc...</u>. This definition excludes organizations/individuals that rent space in PSB buildings but do not primarily or exclusively serve PSB students.

Recognizing that the <u>legal</u> requirements for third-party providers may be less rigorous than those for the PSB, depending on the extent of the bidirectional relationship with the third-party provider, the onus shall not be on parents and caregivers to navigate the complexities of legal responsibility. Rather, the PSB shall work with each third-party provider to ensure awareness of and compliance with state and federal regulations, so that no child entitled to accommodations is left out of after school programs on account of disability.

In the case of Extended Days, which are vital for many working families, and without which, many families would face hardship, the Office of Student Services shall work proactively with each program before the start of the school year to identify students whose IEPs require accommodations for participation. Staffing or other requirements resulting from that planning shall be the responsibility of the district to either provide the staff or provide funding to the Extended Day to pay for the accommodations. OSS shall also work with each program to evaluate any needed accommodations for students who transition onto IEPs during the school year, including transportation to the activity for out-of-district students if determined by the IEP team.

In the interest of transparency, the Deputy Superintendent of Student Services, or designee(s), shall submit an annual report to school committee by December 31<sup>st</sup> of each year confirming that the district has met with each third-party provider for that fiscal year to review the provider's obligations under state and federal law, this policy, and to assess student participation needs. In addition, all future contracts to be negotiated with PSB partners running extracurricular programs shall include a non-discrimination clause that allows the district to terminate a contract based on the failure of the third-party provider to comply with this policy.

As the ability for the PSB to terminate a contract with a non-complying third-party provider in and of itself will not make an adversely impacted individual student whole, the district will work with any adversely impacted student and/or their caregivers to promptly provide that student with the necessary accommodations either in the non-complying program, or in a comparable one. In the case of a comparable program, the district will pay for any cost difference and, if determined necessary by the IEP team, provide transportation.

#### Districtwide/Offsite Programs

The policies laid out above also apply to programs for PSB students outside of their home school, e.g. districtwide chorus, offsite extended days serving multiple schools.

Further, for these districtwide/offsite programs where the PSB are not required to provide accommodations (e.g. for general education students who reside within 1.5 miles of their home school), the PSB shall nevertheless endeavor to voluntarily offer participation supports in the spirit of fostering maximal inclusivity, such as transportation offerings or multiple sites.

Formatted: Keep with next

#### Notification

As inclusion in life of the school activities necessitates regular communication, all district notifications regarding event cancellations, public emergencies affecting operation of one or more PSB schools, or changes to contracted transportation services, shall be disseminated to all students (including out of district students) potentially participating in impacted activities.

#### **Questions from the Extended Day directors (provided collectively)**

- Who is hiring the teachers or support staff for each particular child?
- How will reimbursement work from the town to our programs?
- Who is responsible for making sure all IEP accommodations are being met in an extended day?
- What is the timeline for the school to inform us of each child's needs? Generally hiring will need to be confirmed before the child begins attending.
- Is the school noting that they will provide support with professional development, materials needed, classroom spaces and other specialized tools that some students require?
- Will there be any training provided to our staff members for those kiddos who are on IEPs? Or will this work be taken on exclusively by the person hired by PSB for this purpose?
- Are parents of students on IEPs going to be made aware of the changing policy?
- Some parents don't even indicate that their children may require accommodations on their enrollment forms (even though we ask!) Will we need to provide a list of our enrolled students to the town for them to determine who is eligible?
- Thinking of this from a budgetary perspective, placing the burden on PSB to provide communication from OSS and finance additional qualified staff will inevitably come back and fall on us in the form of rent, right? What is the hidden cost of the policy?

**Commented [Im2]:** again - easier and less "othering" to say all students in the LEA of Brookline