



# **Report to the Legislature: Annual Report on Students with Disabilities 2013-2014**

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Chapter 159, Acts of 2000  
December 2014

**Massachusetts Department of Elementary and Secondary Education**  
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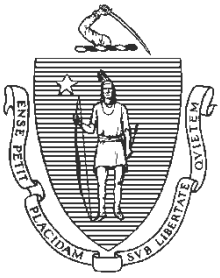
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# Massachusetts Department of Elementary & Secondary Education

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December 2014

Dear Members of the General Court:

I am pleased to submit this *Report to the Legislature: Annual Report on Students with Disabilities 2013-2014*. This report has been provided to the Legislature on an annual basis since 2000 when the legislature amended the language of G.L. c. 71B to align Massachusetts special education terminology with the federal *Individuals with Disabilities Education Act (IDEA)*.

This year we report to you in the context of a major change in the way state systems of special education are evaluated by the federal Office of Special Education Programs (OSEP). As required by the 2004 Reauthorization of IDEA, the Department submitted an [annual report](#) on 20 compliance and performance indicators to OSEP on February 1, 2014. OSEP's accountability system has historically placed heavy emphasis on compliance alone. This year OSEP launched a new Results Driven Accountability (RDA) framework which focuses on states' record of improving educational results and functional outcomes for students with disabilities. Under this new framework, OSEP has determined that Massachusetts "meets requirements" on the basis of our students with disabilities' performance on the National Assessment of Educational Progress (NAEP) and their participation rate in the MCAS, taken together with a high statewide rate of compliance. The full report can be seen here:

[www2.ed.gov/fund/data/report/idea/partbspap/allyears.html#ma](http://www2.ed.gov/fund/data/report/idea/partbspap/allyears.html#ma).

OSEP's new emphasis on results aligns with our state's longstanding commitment to improving outcomes for all students. As part of that commitment, in 2011 the Department commissioned Harvard Professor Thomas Hehir to investigate the status of special education in Massachusetts and to make specific recommendations in [three reports](#), published from 2012-2013, on special education overall, career-vocational technical education, and out-of-district placements. In September 2014, Dr. Hehir and Associates published a [synthesis report](#) with targeted recommendations to address the summary findings of his research. These findings are:

- 1) There are substantial differences in the identification, placement, and performance of low-income and non-low-income students with disabilities. Students from low-income families are almost twice as likely to be identified as disabled compared to students from non-low-income families.
- 2) Students with disabilities who had full inclusion placements appeared to outperform similar students who were not included to the same extent in general education classrooms with their non-disabled peers. Among students with disabilities, students from low-income families and students of color are substantially more likely to be educated in

settings that are substantially separate from non-disabled students than are white and non-low-income students with disabilities.

- 3) Inclusive options for students with disabilities in traditional public schools were limited after the elementary school level.
- 4) There were meaningful differences from district to district in special education identification, placement, and performance.

All report findings and recommendations will be discussed in this legislative report. The complete set of four research reports can be found here: <http://www.doe.mass.edu/sped/hehir/>.

In the coming years, the Department will amplify its efforts to address the needs identified through Professor Hehir's research and will continue to support and challenge our districts to improve students' academic and functional outcomes. This report highlights our current efforts, achievements, and works in progress.

If you have any questions, please feel free to contact me.

Sincerely,

Mitchell D. Chester, Ed.D.  
Commissioner of Elementary and Secondary Education

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## I. Introduction

The Department of Elementary and Secondary Education (“the Department”) respectfully submits this Report to the Legislature pursuant to Chapter 159 of the Acts of 2000, Section 432, which reads in relevant part:

*“The Department ..... shall annually . . . report to the General Court on the implementation of [special education law]. Such report shall include ... cost increases or savings in cities or towns, . . . the extent of the development of educational collaboratives to provide necessary services, the increase or decrease of the number of children served, federal non-compliance issues and other such matters as said Department deems appropriate. Such report shall be filed with the clerks of the House of Representatives and the Senate who shall forward the same to the Joint Committee on Education, Arts and Humanities and the House and Senate Committees on Ways and Means...”*

## II. Background: Enrollment and Finances

*This section on Enrollment and Finances offers data required by the statute and provides context for subsequent discussion of Department activities. Information from the commissioned research [reports](#) is embedded throughout. A full summary of the 2014 [synthesis report](#) can be read in [Section IV](#) below.*

### A. Longitudinal Enrollment

Both Massachusetts’ total student enrollment and the number of students receiving special education services increased slightly from school year 2012-2013 (FY13) to 2013-14 (FY14). While there have been small fluctuations in enrollment over the last four years, there has been no proportionate change in the number of students receiving special education services since FY09 (Table 1). The percentage of students with disabilities enrolled in Massachusetts public schools has held steady at 17 percent for 5 years.

**Table 1: Number and Percentage of Students with Disabilities, FY05–FY14**

School Year	Total Special Education Enrollment	Total Enrollment	Percentage of Students with Disabilities
2004-05	157,108	986,662	15.9%
2005-06	160,752	983,439	16.4%
2006-07	163,396	979,851	16.7%
2007-08	164,298	972,178	16.9%
2008-09	166,037	970,059	17.1%
2009-10	164,847	967,951	17.0%
2010-11	164,711	966,395	17.0%
2011-12	163,679	964,198	17.0%
2012-13	163,921	965,602	17.0%
2013-14	164,366	966,360	17.0%

Source: Massachusetts Student Information Management System

## B. Student Identification by Disability Category

The following table identifies numbers and percentages of students with disabilities by disability category. FY10 and FY14 data are used to illustrate change over a five-year period within categories.

**Table 2: Number and Percentage of Disability Categories Ages 3-21 (FY10 and FY14)**

Primary Disability	FY10		FY14	
	#	%	#	%
Specific Learning Disability	55,263	33.5	43,432	26.4
Communication	28,932	17.6	28,216	17.2
Health	12,758	7.7	18,229	11.1
Developmental Delay	17,357	10.5	17,629	10.7
Autism	10,781	6.5	16,245	9.9
Emotional	13,849	8.4	14,496	8.8
Intellectual	10,682	6.5	9,440	5.7
Neurological	7,013	4.3	8,800	5.4
Multiple Disabilities	4,667	2.8	4,531	2.8
Physical	1,537	0.9	1,298	0.8
Sensory/Hard of Hearing	1,233	0.7	1,219	0.7
Sensory/Vision Impairment	582	0.4	625	0.4
Sensory/Deaf/Blind	193	0.1	176	0.1
SPED Total	164,847	100	164,336	100

*Source: Massachusetts Student Information Management System*

Students with disabilities in the categories of Specific Learning Disability, Communication Impairment, and Health Impairment represent approximately 54.7 percent of all students receiving special education services in Massachusetts. Collectively, these are often referred to as “high incidence disabilities” and are the disabilities most commonly found in the general population globally. Dr. Thomas Hehir and Associates, in their 2012 *Review of Special Education in the Commonwealth of Massachusetts*, observed, “Nearly two out of every three Massachusetts students with a disability are identified as belonging in one of these three categories and due to the potentially subjective nature of their diagnosis, rates of identification for these categories may be more sensitive to policy decisions than rates for the more strictly defined categories. Further, we see evidence throughout the commonwealth that indicates that children with similar profiles may fall differentially into one of these three categories, depending on the designation conventions of different school districts.”

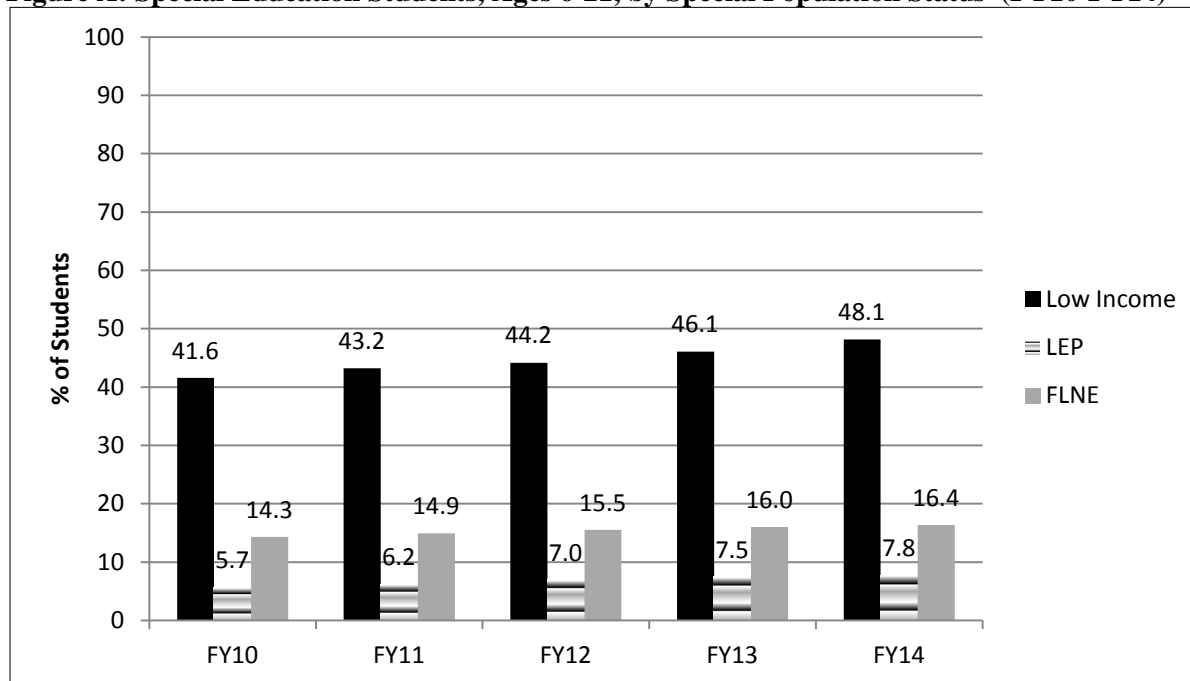
An analysis of changes over the five year period (FY10 to FY14) shows that the percentage of students identified under the category of Specific Learning Disability has decreased by 7.1 percentage points during this period, while Health Impairment has increased by 3.4 percentage points, from 7.7 percent in 2010 to 11.1 percent in the 2014 school year. Consistent with national

and international trends, Autism has increased by 3.4 percentage points over five years and is currently at 9.9 percent.

### C. **Percentage of Students with Disabilities by Special Population Status**

As noted in Figure A below, over the past five years, there have been increases in the percentages of special education students who are also in the categories of low income, limited English proficiency (LEP), and first language not English (FLNE).

**Figure A: Special Education Students, Ages 6-21, by Special Population Status (FY10-FY14)**



Source: Massachusetts Student Information Management System

Nearly half the school age students receiving special education services in FY14, 48.1 percent, come from low income families. Statewide, the FY14 incidence rate of low income students is 38.3 percent of all students, an increase of 5.3 percentage points since FY10. The percentage of low income students receiving special education services and the incidence rate of low income students overall have seen a similar increase over the past five years, at 15.6 percent for low income students receiving special education services and at 16.1 percent for low income students overall.

The increase in the percentage of low-income students identified in special education is a concern. Research has shown that at the district level, the performance of students with disabilities, although consistently lower on average, generally parallels the performance of general education students in the district. Research found that in districts where general education students have higher MCAS scores, students with disabilities also, on average, earn higher scores on the MCAS. Through rigorous district and school turnaround efforts, the Department is putting in place systems and strategies to address the needs of lower performing schools. Two of these are the Massachusetts Tiered System of Support, discussed below in [Section V](#), and the State Systemic Improvement Plan (SSIP), described below in [Sections III and V](#).



**D. Percentage of Students with Disabilities Who Receive Services by Educational Environment**

The number of students with disabilities, ages 6-21, placed in full inclusion environments continues to rise as a percentage of the total enrollment of students receiving special education services. In FY14, that total is 61.1 percent. The percentage of students served in partial inclusion models is 17.3 percent, and in substantially separate settings is 14.7 percent. The percentage of students in all other placements (i.e., separate schools, residential facilities, homebound/hospital, and correctional facilities) is, collectively, 6.9 percent (Figure B).

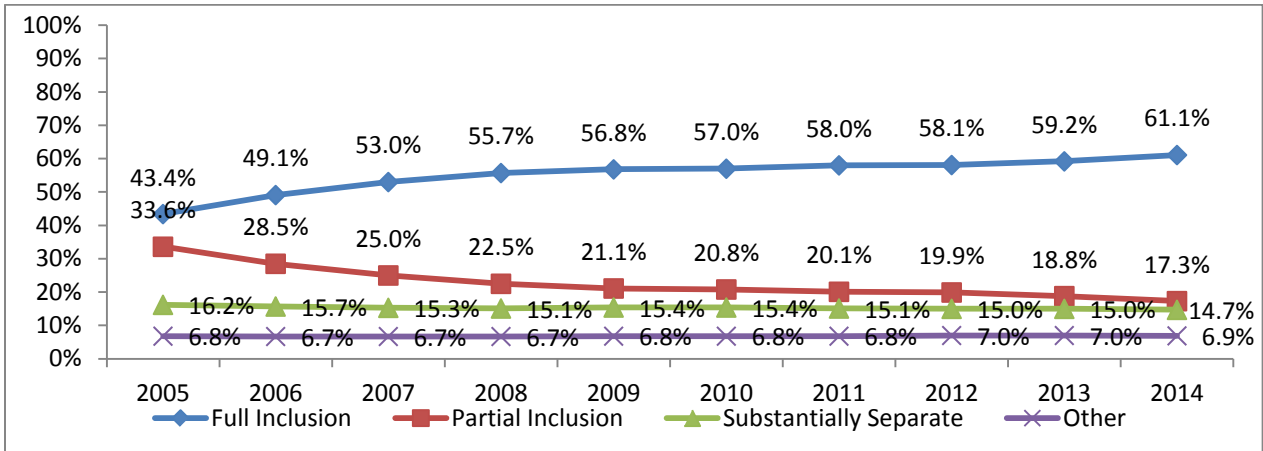
There is a clear trend in the ten-year data from partial inclusion to full inclusion. The percentage of students with disabilities in fully inclusive environments has risen by 40.8 percent since 2005, whereas the percentage of students served in partially inclusive environments has decreased by 48.5 percent. The percentage of students in substantially separate classrooms is declining at a slower rate, down 9.3 percent. The percentage of students in all other placements is essentially unchanged.

**Definitions:**

- Full Inclusion – at least 80 percent of the time in general education classroom
- Partial Inclusion – 40 percent to 79 percent of the time in general education classroom
- Substantially Separate – less than 40 percent in general education classroom
- Other – separate schools, residential facilities, homebound/hospital and correctional facilities

The steady rise in inclusion, coupled with the steady decrease in partial inclusion, is reflective of the Department’s efforts to work with districts to promote student access to rigorous curricula in the least restrictive environment, as well as districts’ commitment to this work. Given the static ten-year data on substantially separate placements, the Department is developing a plan to target interventions around this issue.

**Figure B: Special Education Students, Ages 6-21, by Educational Environment**



Source: Massachusetts Student Information Management System

## E. Financial Summary

Special education expenditures are reported by public school districts at the end of the year to the Department. As shown in Table 3 below, both total school operating budgets and combined special education expenditures have increased over the past eight years. Spending from state "circuit breaker" funds is included. Otherwise, spending from grants, revolving funds, or other non-appropriated revenue sources (totaling less than four percent of total special education spending statewide) is excluded.

Definitions and Notes:

- *Direct special education expenditures* include only those that can be related specifically to special education pupils.
- *Other instructional* includes supervisory, textbooks and instructional equipment, guidance, and psychological services.
- *MA Public Schools and Collaboratives* includes other public school districts, educational collaboratives, and charter schools.

**Table 3: Direct Special Education Expenditures, FY03–FY13**

Fiscal Year	<i>In-District Instruction</i>		<i>Out-of-District Tuition</i>		E	F	G
	A	B	C	D			
	Teaching	Other Instructional	MA Public Schools and Collaboratives	MA Private and Out-of-State Schools	Combined Special Ed Expenditures (A+B+C+D)	Total School Operating Budget	Special Education % of Budget (E as % of F)
2003	847,191,270	148,613,839	164,164,801	281,886,001	1,441,855,911	8,145,051,218	17.7
2004	876,740,473	165,047,123	182,197,630	324,852,156	1,548,837,382	8,329,867,356	18.6
2005	924,994,425	179,216,581	184,109,385	368,572,004	1,656,892,395	8,773,582,402	18.9
2006	989,518,144	188,002,624	194,358,120	389,975,256	1,761,854,144	9,206,242,751	19.1
2007	1,054,398,053	196,313,607	207,744,064	422,289,079	1,880,744,803	9,703,120,601	19.4
2008	1,132,805,073	209,235,235	223,288,119	451,779,440	2,017,107,867	10,172,987,581	19.8
2009	1,199,704,253	212,959,915	223,839,279	417,844,303	2,054,347,750	10,243,839,754	20.1
2010	1,221,013,989	218,417,498	227,720,315	422,154,922	2,089,306,724	10,530,690,533	19.8
2011	1,214,794,187	228,193,919	247,601,162	435,878,519	2,126,467,787	10,710,955,988	19.9
2012	1,290,077,738	239,336,243	258,571,816	475,131,655	2,263,117,452	11,034,255,332	20.5
2013	1,391,956,887	248,357,794	257,311,327	507,558,390	2,405,184,398	11,486,440,186	20.9

Note: Values rounded to the nearest 100,000.

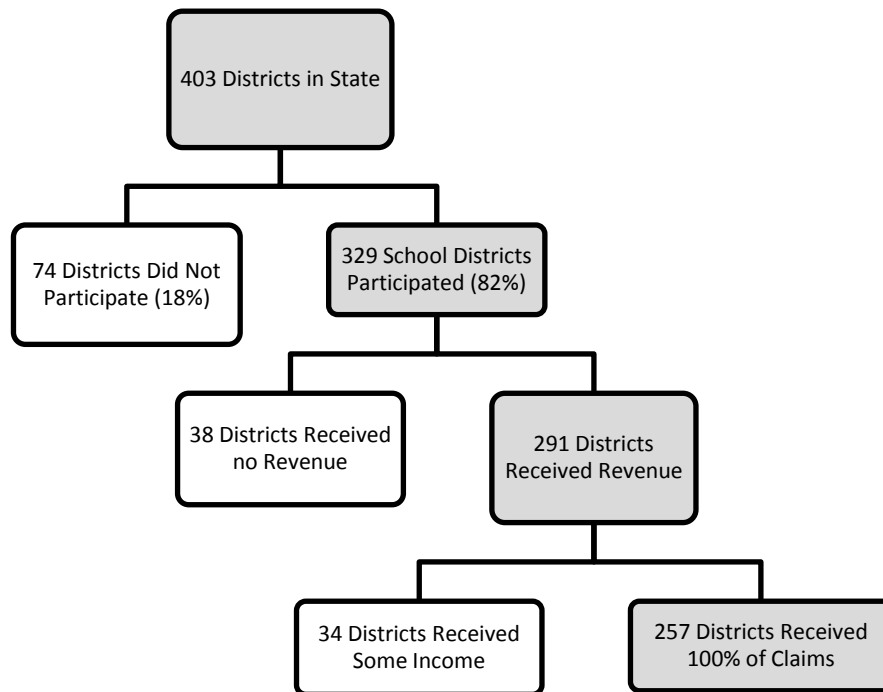
Source: End of Year Pupil and Financial Report

## F. School-Based Medicaid

The School-Based Medicaid program allows local education authorities (LEAs), such as cities and towns, charter schools, public health commissions, and regional school districts, to seek payment for providing medically necessary Medicaid services (direct services) to eligible

MassHealth-enrolled children. This program also allows such agencies to seek payment for participating in activities that support the administration of the state's Medicaid program (administrative activities). This includes outreach, and those activities that aid the delivery of direct services to Medicaid-enrolled children with Individualized Education Programs (IEPs). State law allows LEAs to participate in the Municipal Medicaid program and to seek payment for either direct services or administrative activities or both. In order to participate in the program, LEAs must sign provider contracts with the state Medicaid agency. Municipal Medicaid providers can bill MassHealth in accordance with the contract terms. Federal revenues are returned directly to the municipality which, in turn, can choose to share such revenue with the school districts, in whole or in part.

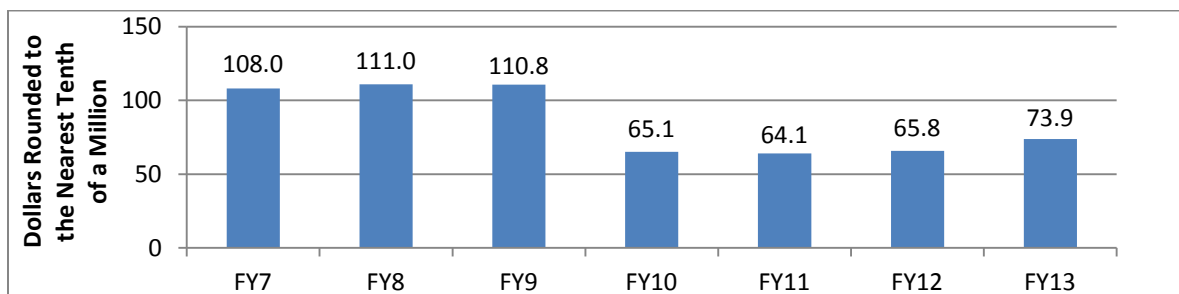
**Figure C: Municipal Medicaid Funding Breakdown, FY 13**



Source: MA EOHHS Office of School-Based Medicaid

The figures for the School-Based Medicaid program for FY07 through FY13 are provided below in Figure D. Total Municipal Medicaid Claims for FY13 were \$73.9 million dollars. Total revenue received by providers in FY13 was \$67.2 million dollars; \$49.7 million is for Direct Services Claims and \$24.2 million for Administrative Activity Claiming. 291 school districts received revenue in FY13.

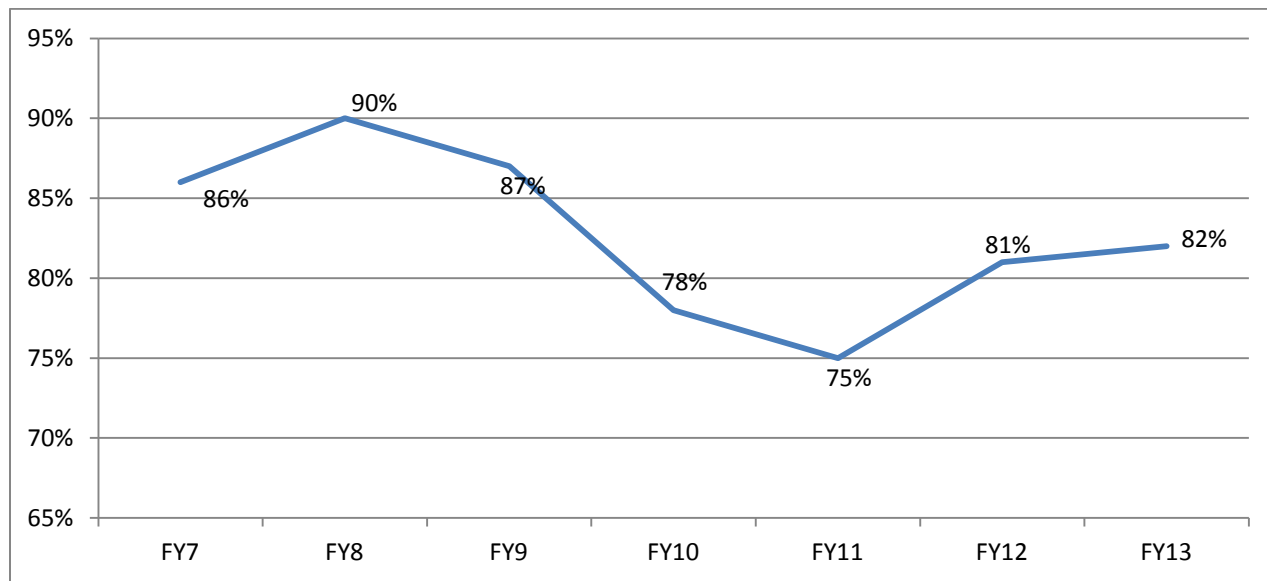
**Figure D: Total Municipal Medicaid Claims in Dollars FY07-FY13**



Source: MA EOHHS Office of School-Based Medicaid

In July 2009, the Municipal Medicaid program underwent significant procedural changes. Massachusetts was required to change its claiming procedures to a “fee for service” model. This new model, called School-Based Medicaid, requires further documentation of services provided and provides reimbursement only for qualified providers. There was concern that this more-demanding model would lead to a considerable decrease in the Medicaid reimbursement available to the state. Although the dollar amount of claims decreased by 41 percent from FY09 to FY10 (Figure D), the percentage of districts participating in the Municipal Medicaid program now appears to be on a trajectory to rebound to pre-FY09 levels (Figure E).

**Figure E: Percentage of School Districts Participating in Medicaid Reimbursement FY07-FY13**



Source: MA EOHHS Office of School-Based Medicaid

### III. Results Driven Accountability

*This section on Results Driven Accountability (RDA) discusses this new federal framework and its close alignment with the Department’s goals.*

From 2004 until 2014, each state was required by the 2004 Reauthorization of IDEA to annually report statewide data and information documenting efforts to implement the requirements and purposes of IDEA, using 20 indicators that measured rates of compliance and performance (Table 4). The Massachusetts State Performance Plan (SPP) includes baseline data, targets, and improvement activities for each indicator from FFY 2005-2012. The Massachusetts Annual Performance Report (APR) reports annual progress in each indicator area. Both reports can be found here: <http://www.doe.mass.edu/sped/spp>.

**Table 4: SPP Performance and Compliance Indicators, 2004 - 2014**

Indicator 1: Graduation Rate	Indicator 12: Early Childhood Transition
Indicator 2: Dropout Rate	Indicator 13: Secondary Transition
Indicator 3: Assessment (i.e., MCAS)	Indicator 14: Post-School Outcomes
Indicator 4: Suspension/Expulsion	Indicator 15: ID and Correction of Noncompliance

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Indicators 5 & 6: Least Restrictive Environment (LRE)	Indicator 16: Complaint Resolution within Timelines
Indicator 7: Preschool Outcomes	Indicator 17: Due Process within Timelines
Indicator 8: Parent Involvement	Indicator 18: Use of Resolution Sessions
Indicators 9 & 10: Disproportionality	Indicator 19: Mediation Agreements
Indicator 11: Initial Evaluation within Timelines	Indicator 20: Timely State Reported Data

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In her June 2014 response to the Department’s February 2014 SPP/APR submission, U.S. Office of Special Education Programs (OSEP) Director Melody Musgrove highlighted a new focus for national special education reporting:

“OSEP’s previous accountability system placed a heavy emphasis on compliance and we have seen an improvement in States’ compliance over the past seven years of IDEA determinations. OSEP’s new accountability framework, called Results Driven Accountability (RDA), brings into focus the educational results and functional outcomes for children with disabilities while balancing those results with the compliance requirements of IDEA. Protecting the rights of children with disabilities and their families is a key responsibility of state educational agencies (SEAs) and local educational agencies (LEAs), but it is not sufficient if children are not attaining the knowledge and skills necessary to achieve the goals of IDEA as reflected in Congressional findings in section 601(c)(1) of the IDEA Improvement Act of 2004: equality of opportunity, full participation, independent living, and economic self-sufficiency.”

According to OSEP, compliance is necessary but no longer sufficient. Under the new RDA standard, Massachusetts achieved a determination of “meets requirements” for FY14 on the basis of our students with disabilities’ performance on the National Assessment of Educational Progress (NAEP) and their participation rate in the MCAS, taken together with a high statewide rate of compliance. Massachusetts was 1 of only 15 states to achieve the “meets requirements” distinction.

Beginning with the annual SPP/APR to be filed in February 2015, states will report annually on 17 indicators. OSEP’s intent in restructuring the annual reporting requirements in the SPP/APR was to reduce redundancy in reporting data that states already submit annually through other sources. Though these data will still be considered by OSEP in its annual state determinations, data will no longer be reported in the SPP/APR.

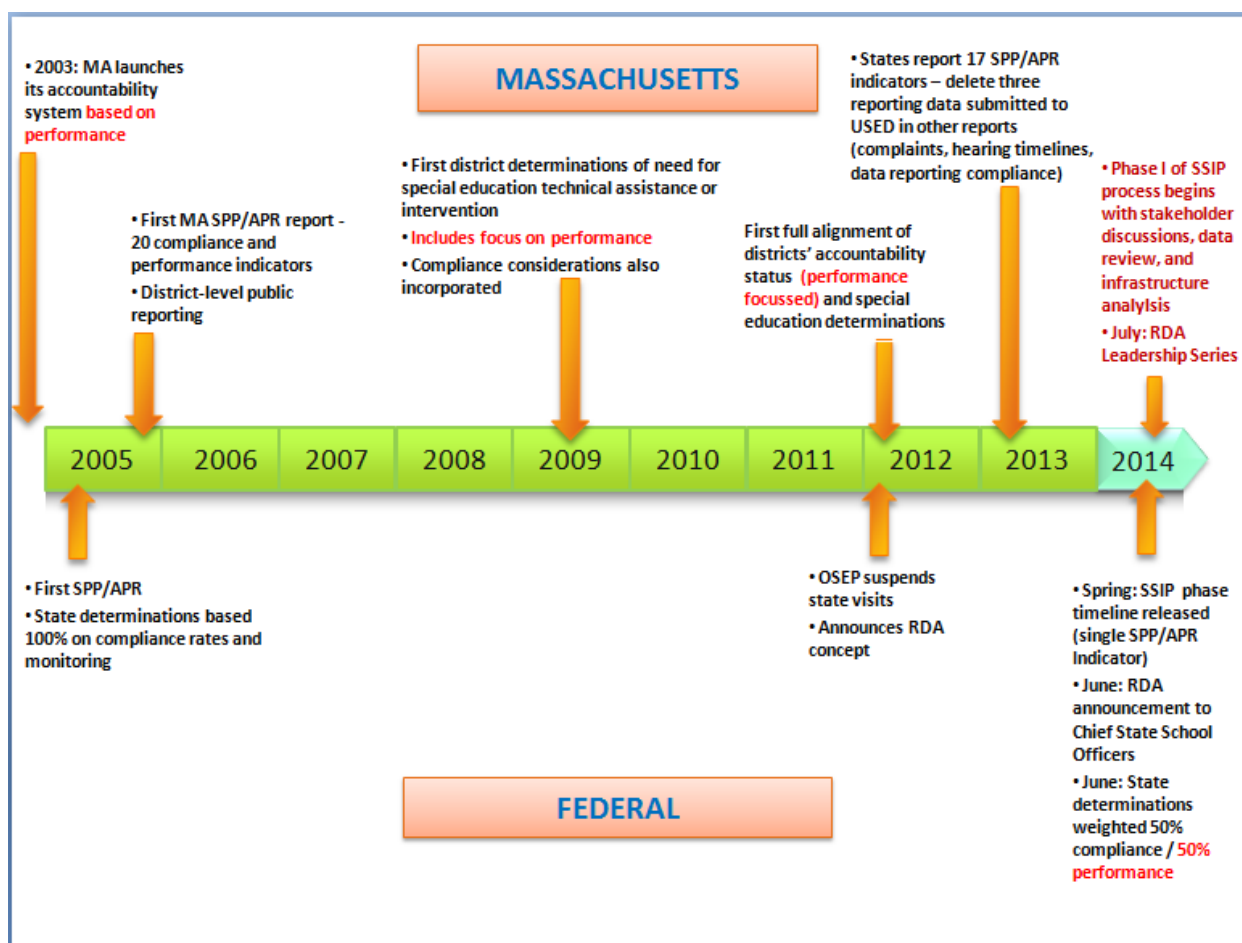
Indicator 17 has become the **State Systemic Improvement Plan—the SSIP**. The measurement of this new indicator requires each state to develop a comprehensive multi-year systemic improvement plan, focused on improving a State-Identified Measurable Result (SIMR) for children with disabilities, that includes the following components:

- Data analysis
- A state-identified measurable result
- Analysis and development of infrastructure to support improvement and build capacity
- A theory of action
- Support for local educational agency (LEA) implementation of evidence-based practices
- An evaluation plan

Each state may choose its own area of focus; Massachusetts has chosen early childhood outcomes. Preparatory work to meet the requirements of this new indicator began in FY14 and will be discussed in [Section V](#) below.

Results Driven Accountability, though a new initiative at the federal level, is not a new approach for Massachusetts to assess performance and outcomes for students with disabilities. Since 2003, when Massachusetts launched its accountability system based on performance, we have emphasized outcomes and not simply process or compliance (Figure E). Our Department’s goal as expressed in our [strategic plan](#) is to prepare all students for success after high school, and our outcomes-oriented approach for all students resonates with IDEA’s goal to provide for “equality of opportunity, full participation, independent living, and economic self-sufficiency” for students with disabilities.

**Figure E: Massachusetts and Federal Accountability System Timeline**



#### IV. Review of Special Education in the Commonwealth of Massachusetts: A Synthesis Report

*This section provides a summary of the findings and recommendations from the overview reports prepared by Dr. Thomas Hehir and Associates.*

In 2011 the Department commissioned Harvard Graduate School of Education Professor Thomas Hehir to review the status of special education in Massachusetts and to make specific recommendations in [three reports](#), published from 2012-2013, on special education overall,

career-vocational technical education, and out-of-district placements. In September 2014, Dr. Hehir and associates published a [synthesis report](#) with targeted recommendations to address the summary findings of his research.

These findings are:

- 1) There are substantial differences in the identification, placement, and performance of low-income and non-low-income students with disabilities.** Specifically:
  - a. Low-income students were identified as eligible for special education services at substantially higher rates than non-low-income students.
  - b. Among students enrolled in traditional public schools, low-income students with disabilities were educated outside of the general education classroom at rates substantially higher than non-low-income students.
  - c. Although low-income students were more likely to be educated in substantially separate settings within traditional public schools, they were less likely to receive a publicly financed placement in a private special education school.
- 2) Students with disabilities who had full inclusion placements appeared to outperform similar students who were not included to the same extent in general education classrooms with their non-disabled peers.** Specifically:
  - a. Students with high incidence disabilities who had full inclusion placements, on average, performed better on the MCAS than students with high incidence disabilities who were in substantially separate placements in traditional public schools.
  - b. Students with disabilities who had full inclusion placements had a higher probability of graduating high school than students with disabilities educated in substantially separate settings.
  - c. Students with disabilities who had full inclusion placements were less likely to move subsequently to out-of-district placements than students educated in substantially separate settings.
- 3) Inclusive options for students with disabilities in traditional public schools were limited after the elementary school level.** Specifically:
  - a. Students with disabilities, with the exception of students with sensory disabilities, tended to first be placed in out-of-district programs in late middle and early high school.
  - b. Segregation of African American and Latino students was evident at the middle and high school levels; these students were more likely to be educated in less inclusive placements than their white peers.
  - c. Promising practices and outcomes for students with disabilities were found in some Career and Technical Education (CTE) schools, but these programs were not accessible to all students, and demands for these schools exceeded their current capacity.
- 4) There were meaningful differences from district to district in special education identification, placement, and performance.** Specifically:

- a. Across districts with similar demographic characteristics, district behavior differed for special education identification, placement, and performance.
- b. The performance of a school district’s general education students on the MCAS was, on average, the strongest district-level predictor of the MCAS performance of that district’s students with disabilities.
- c. The overall wealth of the community was the most common factor that explained cross-district variation. All things being equal, rates of special education identification were higher in districts that enrolled more low-income students.

The report writers stress:

“Responsibility for closing the achievement gap between disabled and non-disabled students must be shared by the general and special education offices. General education plays a central role in providing high-quality supports and services for children; thus, placing accountability for closing this gap solely on special education is inappropriate. The work presented in these studies indicates that the quality of general education in a district is associated with outcomes for students with disabilities—where non-disabled students are performing better, students with disabilities are performing better as well.”

The full synthesis report, as well as preceding reports, can be found here:

<http://www.doe.mass.edu/sped/hehir/>.

## **V. FY14 in Review**

*This section highlights specific strategies, initiatives, activities, and planning conducted by the Department during FY14.*

### **A. Office of Special Education Planning & Policy Development**

The Office of Special Education Planning & Policy Development (SEPP) is the lead unit at the Department for planning and delivering targeted supports and resources to continuously improve the education of students with disabilities. Its mission is to strengthen the Commonwealth’s public education system so that every student, and most especially every student with disabilities, is prepared to succeed in postsecondary education, compete in the global economy, and understand the rights and responsibilities of American citizens, and in so doing, to close all proficiency gaps. With a results-driven focus, SEPP seeks to increase public knowledge regarding special education and students with disabilities; engage in strategic planning and use of funds; develop, model, and disseminate best practices; promote communication and collaboration within the Department and among external stakeholders; and support effective compliance to improve student outcomes. The following FY14 highlights exemplify these strategies.

#### **1. Massachusetts IEP Improvement Project**

In FY14, the Department began its IEP Improvement Project. The current IEP form was first introduced in 2000; while still compliant with the requirements of IDEA and Massachusetts special education law, the Department has received numerous stakeholder requests to improve both the IEP development process and form to deepen conversations at IEP Team meetings, and improve student outcomes through increased IEP implementation by all professionals. For this



initiative, the Department is working with stakeholders to develop an enhanced IEP Team meeting process and IEP form which will prioritize student access to the general curriculum as well as increase opportunities for communication and collaboration between general and special educators. New technologies developed since 2000 offer a strategic opportunity to create a fully online IEP system that will incorporate best practice consideration in order to support students with disabilities to have the best possible access to the curriculum frameworks and develop the skills to participate in all aspects of the school.

The new IEP system, scheduled to be fully available across the Commonwealth by September 2016, will provide a “one stop” solution for IEP development and will provide the ability to create IEPs and related forms, track workflow related to the IEP process, and support continuous improvement through analytics for classroom teachers and administrators. The online tool will be pre-loaded with student and teacher information from the School Interoperability Framework (SIF), eliminating repetitive data entry. The form will also offer cost savings to participating districts which currently pay a vendor to provide electronic IEP services and which may elect to switch to the new no-cost state platform.

The Department [seeks broad and deep stakeholder input](#) on the new form as it is developed and to date has heard from more than 500 individuals, including educators and administrators, students, parents, advocates, and members of the public.

## **2. State Systemic Improvement Plan (SSIP)**

The Massachusetts SSIP, new SPP/APR Indicator 17 (see [Section III](#) above), will focus on developing methods, strategies, and resources to improve instruction to increase social/emotional skills and enhance social relationships for early childhood special education students and thus improve educational outcomes for students with disabilities. Research has shown there is a direct correlation between improved social/emotional competencies and improved academic achievement. Over time, the Massachusetts SSIP will encompass district wide initiatives improving social emotional competencies for all students, thereby improving achievement and reducing the proficiency gap for students with disabilities.

SSIP planning and data analysis throughout FY14 was guided by the Special Education Steering Committee and an external stakeholder group convened by the Department, which includes staff from throughout the Department, representatives from the Departments of Public Health (DPH), Early Education and Care (EEC), Massachusetts Parent Training and Information Center (MA PTI), teachers, early childhood coordinators, and school and district administrators. In mid-March, representatives from the Department, DPH, and the MA PTI attended the 2014 Northeast Regional Resource Center (NERCC) SSIP Meeting. This two-day meeting provided staff with the opportunity to work with representatives from several OSEP-funded technical assistance centers, national experts, and OSEP staff to develop a plan for Phase I of the multi-year SSIP.

In FY15, the Department’s SSIP work focuses on infrastructure development, support for LEA implementation of evidence-based practices, and evaluation of the SSIP. Specifically, the Department will work with districts to implement the evidence-based practice, Positive Behavioral Supports (PBS), with special emphasis on connecting activities for the early childhood workforce.

## **3. Early Childhood Special Education**

The Department has a longstanding collaborative relationship with DPH and EEC, including an inter-agency service agreement with each agency, to ensure the successful support of young children with disabilities across early childhood settings. The three agencies partnered in FY14

to establish a shared mission, increase knowledge of sister agency roles and responsibilities, and provide enhanced in-person and webinar trainings and technical assistance to early childhood educators and families.

In addition, the agencies collaborated to develop a statewide Early Childhood Special Education (ECSE) Strategic Plan during FY14. The plan identifies three key areas of focus:

- 1) Building partnerships with families. [This priority aligns with federal Indicator 8, Parent Involvement.]
- 2) Improving systems to assist transition from early intervention to pre-Kindergarten, and from prekindergarten to kindergarten. [This priority aligns with federal Indicator 12, Early Childhood Transition.]
- 3) Improving instruction to increase educational outcomes for early childhood students with disabilities in:
  - Social/Emotional Skills and Social Relationships;
  - Acquiring and Using Knowledge and Skills; and
  - Taking Appropriate Action to Meet Needs

[This priority aligns with federal Indicator 7, Preschool Outcomes.]

To support enhanced early childhood outcomes, the Department used federal special education funds to offer Fund Code 298: The Early Childhood Special Education Program Improvement Grant for a second consecutive year. In its first year, FY14, this grant was available to any district offering special education services to students ages 3-5, and the total funds available were \$908,850. In FY15 \$1,795,000 will be available through this grant to support systemic program improvement in early childhood special education.

#### **4. Secondary Transition**

In FY14, the Department offered a grant program to extend strategic planning begun at the April 24, 2013 Secondary Transition Capacity-Building Conference by supporting the planning or development of whole-school/whole-district best practices in the areas of Transition Assessment or Self-Determination for students with disabilities, aged 14-22. The Department also issued a [new technical assistance advisory](#) on Transition Assessment. This advisory enables districts to understand assessment of students with disabilities aged 14-22 in the context of all other school- and community-based assessments and encourages a unified systems perspective. In addition, two educator trainings were offered in Spring 2014 for statewide school professionals on Transition Assessment and Student Self-Determination. SEPP also collaborated with the Office of College and Career Readiness and the Office for Career/Vocational Technical Education, with activities including educator workshop participation, the presentation of a webinar on Secondary Transition, and a yearlong special education institute for educator teams from Career/Vocational Technical Education (CVTE) Programs.

#### ***B. Office of Tiered System of Support (OTSS)***

The [reports](#) by Dr. Thomas Hehir and Associates suggest implementation of the [Massachusetts Tiered System of Support \(MTSS\)](#) can function as a key factor in efforts to improve general education. Now in its third year of operation, the Office of Tiered System of Support (OTSS) has made substantial progress towards its goal of improving access to safe, supportive and enriched school environments for all students through the development and implementation of MTSS.

MTSS is a blueprint for school improvement that focuses on system structures and supports across the district, school, and classroom to meet the academic and non-academic needs of all students, including students with disabilities, English language learners, and students who have already demonstrated mastery of the concepts and skills being taught. Collaboration between special education, general education, and the regional systems of support are key components of MTSS, and staff from the Department's Special Education, Planning and Policy Development (SEPP) Office, Learning Support Services, the District Schools and Assistance Centers (DSACs), and OTSS continue to collaborate on many initiatives and improvement activities.

## 1. Professional Development

OTSS and SEPP have a strong history of collaborating to offer high quality, evidenced-based and rigorous professional development to Massachusetts educators. Continuing this tradition, OTSS and SEPP offered three-credit online graduate courses through [Massachusetts FOCUS Academy \(MFA\)](#) during the 2013-2014 school year. The following thirteen courses were offered:

- Assessment of Students with Disabilities Who are English Language Learners (ELL)
- Career Development and Competitive Employment for Students with Disabilities
- Collaborative Co-Teaching in Inclusive Classrooms
- Creating and Sustaining Positive School-Wide Learning Environments
- Differentiated Instruction
- Partnering with Families of Middle and High School Students with Disabilities
- Partnering with Families of Preschool and Elementary School Students with Disabilities
- Secondary Transition Assessment for Students with Disabilities
- Secondary Transition Planning: Universal Design and Collaboration
- Self determination, Self Advocacy and Youth Leadership Developing the Foundations for Student Success after High School
- Universal Design for Learning (UDL): Addressing Learner Variability
- Universal Design for Learning (UDL): Addressing Learner Variability in Mathematics Instruction
- Universal Design for Learning (UDL): Student Affect and Engagement

Other three-credit graduate courses were offered through face-to-face Summer Professional Development Institutes and included:

- Assistive Technology and Accessible Instructional Materials
- Assistive Technology and Universal Design: Leveling the Playing Field Together
- Improving Spoken and Written Language: From Research to Practice
- Managing Behavior in an Inclusive Classroom
- Meeting the Academic and Non-Academic Needs of Students with Asperger Syndrome
- Occupational Therapy (& Physical Therapy) in Educational Settings
- Strategies for Students with Sensory Processing Disorders in Inclusive School Settings
- Teaching Students with Cortical/Cerebral Impairment
- Tools and Strategies for Paraprofessionals in Inclusive Settings (Both undergraduate and graduate credits are available for this course.)

Participants in these courses and institutes receive 67.5 Professional Development Points upon course completion and have the option to purchase graduate level credits at a discounted rate

through each of the partnering institutions of higher education. All of these courses meet the rigorous criteria set by the Department's [new professional development standards](#).

## 2. OTSS Website

OTSS has expanded its website of resources, information and technical assistance to support the implementation of MTSS by issuing brief guidance documents that provide core information about topics relevant to its implementation. These Quick Reference Guides (QRGs) provide educators access to the most current research and provide resources for those readers seeking to go deeper into the topic. The three QRGs are:

- 1) [Student Support Teams \(SSTs\)](#) – emphasizes how staff may work collaboratively to ensure that all students' needs are met in safe and supportive learning environments and are able to be successful in and out of school.
- 2) [Scheduling Within a Tiered System of Supports: Elementary School](#) – provides administrators with considerations for developing a master schedule that supports a tiered system of support.
- 3) [Specific Learning Disability Eligibility within a Tiered System of Support](#) - offers guidance and resources for districts to ensure that as they build a tiered system of support, the policies, practices and procedures are in place to enable educators to collect student data that can be used for SLD eligibility determination.

Other OTSS website resources include filmed presentations by content area experts and accompanying materials, as well as a video case study of a district that has been engaged in implementing the components of MTSS for several years.

To view the OTSS website and read more about the MTSS initiative, please visit: [www.doe.mass.edu/mtss](http://www.doe.mass.edu/mtss).

## C. Educational Collaboratives

Educational collaboratives are formed through an agreement between or among two or more school committees and/or charter school boards to provide educational programs or services that will supplement and complement programs and services offered by their member districts. There are 26 collaboratives that have been approved by the Commissioner of Elementary and Secondary Education under the provisions of G.L. Chapter 40, Section 4E. These collaboratives collectively served 272 member districts during FY14.

Collaboratives are managed by a Board representing each member school district, and are funded through local school committee or charter school budgets to serve public school students. During FY14, 4,198 students, with a full range of needs, received direct services through educational collaboratives.

Collaboratives have operated as public entities in Massachusetts for over forty years. While they were initially formed in order to operate joint special education programs in which students from member districts (and some non-member districts) could be served, they have evolved since that time in order to meet additional needs of public entities in a cooperative manner. Collaboratives, however, continue to play an important role in delivering special education services to students throughout the Commonwealth, especially in the smallest districts, where capacity to provide extensive or low-incidence services may be limited.

Following a major amendment in the authorizing legislation enacted in 2012, new regulations governing collaboratives were approved by the Board of Elementary and Secondary Education on January 29, 2013.

As a component of increased accountability, each collaborative is required to provide an annual report of its activities and an independent audit report to each of its member school committees and the Department. The independent audit must also be provided to the State Auditor. In addition, the collaborative board representatives must participate in training provided or approved by the Department on the public records law, conflict of interest law, special education law, the budgetary process, procurement, fraud prevention and awareness, and the fiduciary and management oversight responsibilities of the collaborative board of directors. The Department now also maintains students, staffing and MCAS data for each collaborative and continues to include collaboratives in the Department's Program Quality Assurance (PQA) six-year cycle of coordinated program reviews.

Additional information on collaboratives, including the authorizing law (G.L. c. 40, §4E) and companion regulations (603 CMR 50.00) may be accessed on the Department's website at: [www.doe.mass.edu/finance/collaboratives/](http://www.doe.mass.edu/finance/collaboratives/).

#### ***D. Bureau of Special Education Appeals***

The Bureau of Special Education Appeals ("BSEA"), an independent subdivision of the Massachusetts Division of Administrative Law Appeals, conducts mediations and due process hearings to resolve disputes among parents, school districts, private schools and state agencies.<sup>1</sup> The BSEA derives its authority from both federal law and regulations (IDEA) and Massachusetts law and regulations (G.L. c. 71B).

A parent or a school district may request mediation and/or a due process hearing on any matter concerning the eligibility, evaluation, placement, individualized education program (IEP), and provision of special education or procedural protections for students with disabilities, in accordance with state and federal law.<sup>2</sup>

In addition, a parent may request a hearing on any issue involving the denial of a free appropriate public education (FAPE) guaranteed by [Section 504 of the Rehabilitation Act of 1973](#).

Mediations and hearings are conducted by impartial mediators and hearing officers who do not have personal or professional interests that would conflict with their objectivity in the proceeding. The BSEA comprises seven (six full time equivalent) hearing officers (all of whom are attorneys), seven mediators, a coordinator of mediation, a scheduling coordinator, administrative staff, and a director.

What follows is a summary of BSEA data for FY14 (covering the period July 1, 2013 through June 30, 2014).

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<sup>1</sup> In addition to mediation and due process hearings (both of which must be offered pursuant to federal law), the BSEA offers the following alternative dispute resolution options: IEP Team meeting facilitations, settlement conferences, and advisory opinions.

<sup>2</sup> A school district may not, however, request a hearing on a parent's failure or refusal to consent to initial evaluation or initial placement of a child in a special education program, or to written revocation of parental consent for further provision of special education and related services.

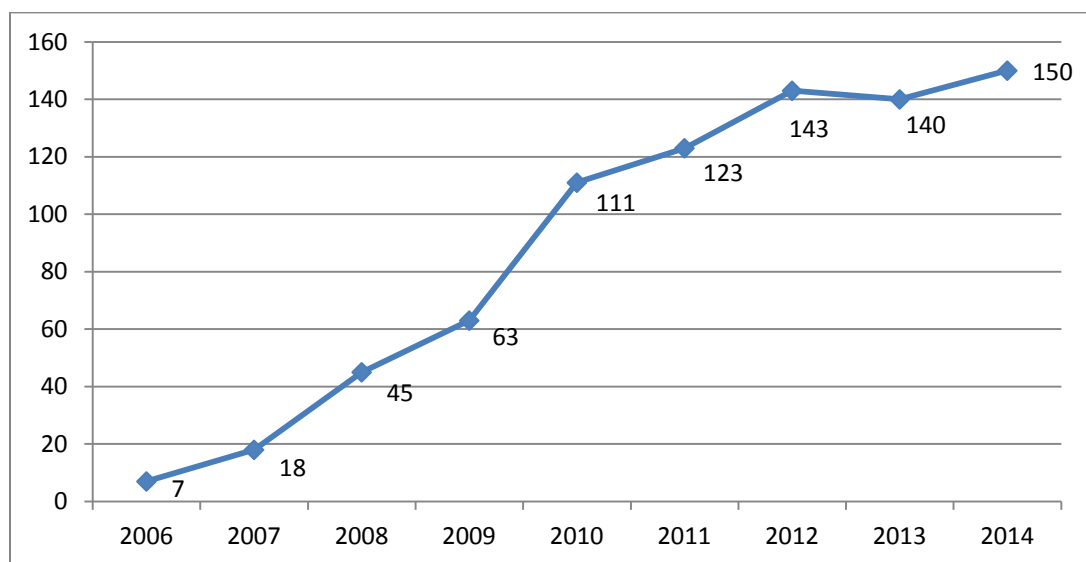
## 1. Rejected IEPs

There were approximately 9,830 rejected IEPs received by the BSEA during FY14 (representing an increase from the 8,860 received in the prior year).

## 2. Facilitated IEP TEAM Meetings

This year the BSEA facilitated 150 IEP Team meetings, but ten (10) additional requests for Team meeting facilitations were declined owing to staff unavailability. Requests for facilitated meetings have risen sharply since they became available in 2006.

**Figure F: Number of Facilitated IEP Meetings, 2006 - 2014**



## 3. Mediation

There were 790 mediations conducted in FY14, representing a decrease from the 818 conducted during the prior year, with an agreement rate of 84.3 percent.

## 4. Due Process Hearings

The BSEA received 590 hearing requests during FY14 (representing an increase from the 552 requests in the prior year). The seven (six full time equivalent) BSEA hearing officers conducted full hearings resulting in 25 decisions (representing a decrease from the 30 decisions issued in the previous year). In addition to the 25 decisions, at least 53 substantive written rulings were issued (an increase from the 37 substantive rulings issued in the previous year).

## 5. Prevailing Party

Of the 25 decisions noted above, parents fully prevailed in 7 (28 percent), school districts fully prevailed in 13 (52 percent), 4 decisions involved mixed relief (16 percent) and 1 decision (4 percent) involved an LEA assignment.

## VI. For More Information

The information in this report is a compilation of data and narrative contributions from several units within the Department, as well as input from the Massachusetts Organization of Education Collaboratives, the state Office of Medicaid, and the Division of Administrative Law Appeals. If you have any questions, please contact the Office of Special Education Planning and Policy at the Department of Elementary and Secondary Education, Marcia Mittnacht, Director, by email at [mmmittnacht@doe.mass.edu](mailto:mmmittnacht@doe.mass.edu) or by phone at 781-338-3375.