2014 Determination of Need for Special Education Technical Assistance or Intervention

The U.S. Department of Education requires Massachusetts to determine districts’ specific needs for technical assistance or intervention in the area of special education based on five categories:

- Meets requirements (MR)
- Meets requirements – At Risk (MRAR)
- Needs technical assistance (NTA)
- Needs intervention (NI)
- Needs substantial intervention (NSI)

Since 2012, the Department of Elementary and Secondary Education (ESE) has combined district accountability determinations with the district’s determination of need for special education technical assistance or intervention. While each district’s accountability and assistance level is determined based on the performance of its schools, special education determinations also take into account special education compliance information. A district’s accountability determination includes both accountability and assistance level and a special education determination. The special education determination categories correspond to the district’s level, except in those cases where the district has not demonstrated compliance with special education regulations. In 2014, only one district has a special education determination that does not align directly with the district’s accountability and assistance level due to compliance concerns. See descriptive alignment information below:

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1 As required by federal Section 616(b)(1)(A) and 642 of the Individuals with Disabilities Education Act (IDEA-2004).
2 The term “district” includes districts composed of single schools such as charter or regional vocational high schools.
3 All districts must meet state and federal special education requirements and, if any specific areas of non-compliance with special education requirements are identified, the district must engage in corrective action(s), regardless of the accountability level. Where non-compliance is significant, ESE reserves the right to reassign the special education determination regardless of the accountability level.
<table>
<thead>
<tr>
<th>Accountability &amp; Assistance Level</th>
<th>Performance Criteria</th>
<th>Special Education Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>The most serious level of any school in the district is Level 1, unless the district was independently classified into Level 4 or 5 as a result of Board action</td>
<td>Meets requirements. Outcomes for the district as a whole indicate positive progress</td>
</tr>
<tr>
<td>Level 2</td>
<td>The most serious level of any school in the district is Level 2, unless the district was independently classified into Level 4 or 5 as a result of Board action</td>
<td>Meets requirements – At risk. The district is considered to be making progress, but is “at risk” for not meeting the needs of students with disabilities</td>
</tr>
<tr>
<td>Level 3</td>
<td>The most serious level of any school in the district is Level 3, unless the district was independently classified into Level 4 or 5 as a result of Board action</td>
<td>Needs technical assistance. While areas of the district’s performance may be positive, one or more schools are experiencing poor outcomes for students with disabilities and/or are having compliance issues</td>
</tr>
<tr>
<td>Level 4</td>
<td>The most serious level of any school in the district is Level 4, or the Board of Elementary and Secondary Education classified the district into Level 4 at the recommendation of the Commissioner</td>
<td>Needs intervention. The district has been identified as having significantly poor outcomes for students with disabilities and/or significant compliance issues requiring direct attention from ESE</td>
</tr>
</tbody>
</table>
| Level 5                           | The Commissioner classified the district into Level 5 as a result of one or more of the following:  
|                                  | • A district review;  
|                                  | • The report of an ESE-appointed accountability monitor;  
|                                  | • A follow-up review report;  
|                                  | • Quantitative indicators set out in state regulations; or  
|                                  | • Failure of a Level 4 district to meet the ESE-approved benchmarks or goals in its improvement plan in a timely manner | Needs substantial intervention. The district has persistent poor outcomes for students with disabilities and/or significant compliance issues requiring direct attention from ESE |
ESE will continue to provide historical special education determination information; however, it is important to note that the alignment of the accountability and special education determinations has resulted in a substantial shift in the number of districts in each of the MR, MRAR, and NTA categories since 2012. Prior to the alignment, the technical assistance and intervention activities were limited to special education. Now, ESE is able to assist districts in a more holistic and coordinated manner. Activities in response to these determinations will take place throughout the 2014-15 school year, and ESE will provide assistance and interventions consistent with each level in ways that coordinate the work of multiple ESE offices, when appropriate. ESE, through its Program Quality Assurance office, will continue to intervene at all levels when non-compliance is identified.

The 2009-2014 numbers of districts in each special education determination category are in the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>MRP</th>
<th>MR</th>
<th>MRAR</th>
<th>NTA</th>
<th>NI</th>
<th>NSI</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>-</td>
<td>320</td>
<td>31</td>
<td>25</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>2010</td>
<td>-</td>
<td>372</td>
<td>9</td>
<td>25</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>2011</td>
<td>-</td>
<td>325</td>
<td>45</td>
<td>11</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>-</td>
<td>94</td>
<td>200</td>
<td>72</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>2013</td>
<td>21</td>
<td>89</td>
<td>216</td>
<td>65</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>2014</td>
<td>24</td>
<td>73</td>
<td>233</td>
<td>66</td>
<td>10</td>
<td>1</td>
</tr>
</tbody>
</table>

**Meets Requirements - Provisional (MRP) – 24 districts**

These 24 districts are too small or too new to have sufficient data and therefore are not assigned an accountability and assistance level, however, all districts must receive a special education determination. Therefore, these 24 districts receive a special education determination of “Meets requirements – Provisional” (MRP). ESE does not plan to engage in direct technical assistance or intervention with these districts except in relation to specific areas of special education non-compliance.

**Meets Requirements (MR) – 73 districts**

The 73 districts at MR achieved an accountability rating of Level 1. ESE does not plan to engage in direct technical assistance or intervention with these districts except in relation to specific areas of special education non-compliance.

**Meets Requirements - At Risk (MRAR) – 233 districts**

ESE recommends that the 233 districts with a rating of MRAR review the performance of their students with disabilities and make specific efforts to improve their performance going forward. ESE will not engage in direct technical assistance or intervention except in relation to specific areas of special education non-compliance.

**Needs Technical Assistance (NTA) – 66 districts**

One (1) of the 66 districts needing technical assistance received an accountability level of 2, but was reassigned to NTA for the special education determination because of persistent non-compliance. This one district corrected each instance of non-compliance when identified, but has been unable to sustain
compliance over multiple monitoring periods. ESE’s Office of Program Quality Assurance will continue its work with this district as needed. Fifty two (52) of the 66 districts needing technical assistance have received the NTA rating more than once. ESE’s Office of Special Education Planning and Policy Development (SEPP) will coordinate with other ESE offices to offer targeted assistance related to identified areas of need. The targeted assistance may include:

- Directing the district’s use of funds made available under fund code 240, and/or other grant programs administered by ESE, as appropriate;
- Requiring participation in specified technical assistance activities; and/or,
- Requiring a review of the data submitted by the district in one or more areas of special education to ensure information is valid, reliable, and timely.

**Needs Intervention (NI) – 10 districts**

All of the 10 districts have received this determination more than once. SEPP will coordinate with other ESE offices, and may include actions outlined under NTA above, as well as:

- Withholding a percentage of the district’s special education grant funds, as appropriate;
- Conducting an unscheduled monitoring visit; and/or,
- Requiring specific policies, procedures, or curriculum improvement activities.

In addition, all districts identified as NI are prohibited from using the flexibility available under the maintenance of effort provisions of IDEA and will be required to budget for special education in 2014-15 at least as much state and/or local funds in the aggregate or per pupil as it budgeted in 2013-14.

**Needs Substantial Intervention (NSI) – 1 district**

There is currently one Level 5 district with a special education determination of NSI. This district is in receivership with the state. ESE may take any other enforcement activity determined to be required, including all activities identified for other levels and/or the following:

- Recovering state or federal special education funds, as appropriate;
- Conducting a review of the district’s fiscal effort according to the maintenance of effort requirements of the law;
- Denying the district’s participation in discretionary grant programs until improvements are completed; and/or,
- Requiring specific personnel assignment under ESE’s direction.

In addition, all districts identified as NSI are prohibited from using the flexibility available under the maintenance of effort provisions of IDEA and will be required to budget for special education in 2014-15 at least as much state and/or local funds in the aggregate or per pupil as it budgeted in 2013-14.

A list of districts by accountability and assistance level is available on ESE’s [website](http://www.education.mass.edu). To view a district’s accountability report, which includes special education determination information, visit ESE’s [School and District Profiles](http://www.education.mass.edu/) website.