I. INTRODUCTION

Executive Summary and Council Charge

The Special Education State Advisory Council (SAC) is charged under state and federal law to provide policy guidance with respect to special education and related services for children with disabilities in Massachusetts. This year the SAC held four meetings in which it discussed issues extensively related to areas of unmet needs in the Massachusetts education system, and formulated a series of recommendations.

SAC offers the opportunity for discussions between parents and state leaders on special education topics that affect Massachusetts’ students and families. The existence, mission, and composition of the SAC are regulated by federal law (34 CFR § 300.167) and state law (M.G.L. c. 15, §1G). The SAC is charged to provide advice to the Department of Elementary and Secondary Education (ESE) with respect to special education and related services for children with disabilities. The Individuals with Disabilities Education Act of 2004 (IDEA 04) requires that the SAC serve to:

- Advise on unmet needs within the state in the education of children with disabilities;
- Comment publicly on proposed rules and regulations involving special education;
- Advise on evaluating services and developing responsive plans based on evaluation information and data;
- Advise on developing corrective action plans to address findings identified in federal monitoring reports; and
- Advise in developing and implementing policies relating to the coordination of services for children with disabilities.

Under state law, there are twelve voting members of the advisory council for special education, six of whom should be parents of children with special needs. Additionally, the Commissioners of the departments of mental health, developmental Services, public health and public welfare each appoint a representative to serve as ex officio members of the SAC. The committee includes representatives of elementary, secondary, and post-secondary schools and programs as well.

II. 2015-2016 WORK OF THE COUNCIL

- The co-Chairs, T. Ramos and M. McLaughlin led a discussion on setting annual goals and working to provide recommendations to the ESE. The goal areas worked on in 2015-16 were:
  - Educator preparation, including general educators and administrators, to demonstrate knowledge and skills designed to meet the needs of students with disabilities.
  - Equal access to special education for the disenfranchised, economically disadvantaged, cultural and linguistically diverse, and homeless populations, as well as disproportionate representation in special education and in specific disability categories.
Recommendations concerning the implementation of new regulations on physical restraint 603 CMR 46.00.

The learning needs for students with the most significant social and emotional needs within the mental health sphere and who require multiagency support throughout the continuum (K-12).

M. Mittnacht and T. Valentine provided information that included:

- The announcement that the U.S. Department of Education's Office of Special Education Programs determined that Massachusetts meets the implementation plan and improvement requirements that are part of the federal Individuals with Disabilities Education Act (IDEA). This is the best determination that a state can receive.
- Notification that the Massachusetts Part B SSIP proposal was accepted by OSEP and implementation of the selected evidence based strategy – Program-Wide PBS through Pyramid Strategies – has begun.
- Information on the new Workforce Investment Opportunity Act (WIOA) that requires state Vocational Rehabilitation (VR) agencies to provide Pre-Employment Transition Services (Pre-ETS) to students with disabilities, in collaboration with school districts.
- Information on the new Massachusetts metric used to assess low income student enrollment in Massachusetts as a result of the U.S. Department of Education’s introduction of the Community Eligibility Program (CEP).
- New ESE guidance on time-out and seclusion, restraint, SIMS data reporting, student self-determination, and inclusive practices.
- Information on summer institutes, Massachusetts Focus Academy (MFA), and other training and networking opportunities in FY15 and FY16, through which the ESE has provided a variety of professional development options for school professionals.
- Information on Rethinking Equity and Teaching for English Language Learners (RETELL), the state’s system of curriculum standards and assessment, endorsement and licensure requirements, professional development, and related supports for core academic teachers of English language learners (ELLs) and the administrators who supervise or evaluate these teachers.
- Information on posted student discipline data for the 2014-2015 school year.
- The Educator Effectiveness Guidebook for Inclusive Practice, http://www.doe.mass.edu/edeval/guidebook. This guide, created by Massachusetts educators, includes tools for districts, schools, and educators that are aligned to the MA Educator Evaluation Framework. It promotes evidence-based best practices for inclusion following the principles of Universal Design for Learning, Positive Behavior Interventions and Supports, and Social and Emotional Learning.
- Information on FY16 presentations to the Board of Elementary and Secondary Education on Social Emotional Learning (SEL) and the Low Income Access Project (LEAP)
- Notification regarding the ESE’s intent to direct districts' use of funds under Fund Code 240, and/or other grant programs administered by the ESE in FY17, to
Improving performance issues identified through the Massachusetts accountability system.

- Notification regarding a new program to review districts for compliance under Special Education Administrative Advisory SPED 2016-2: Requirements related to Maintenance of Effort (http://www.doe.mass.edu/sped/advisories/2016-2.html) and other selected IDEA fiscal requirements such as Excess Costs, and if applicable, calculations for Proportionate Share and Coordinated Early Intervening Services.
- Updates on federal and state initiatives such as the Every Student Succeeds Act (ESSA) and MCAS 2.0.

III. COUNCIL RECOMMENDATIONS

1. Educator preparation, including general educators and administrators to demonstrate knowledge and skills designed to meet the needs of students with disabilities.

   A. Pre-service Teacher Training for General Education Teachers

   Existing MA Professional Standards for Teachers include the requirement that teacher candidates demonstrate knowledge and skills designed to meet the needs of students with disabilities, but it is not clear that these are sufficient to assure that those who complete the programs master the required skills. We encourage MA ESE to explore ways to evaluate the existing competencies of teacher candidates to assure mastery level. More rigorous training should be required for administrators to help them understand how to make curriculum decisions that meet the needs of all students. SAC Recommendations to address Educator Preparation in pre-service training are:

   - An overview of special education laws including historical background & justification for the laws (including info on local SEPACs and support organizations such as The Federation for Children with Special Needs, the Disability Law Center, etc.)
   - An overview of the use of evaluations to identify at risk students including eligibility process.
   - Response to intervention strategies and MTSS (Mass Tiered Systems of Support).
   - Methods for differentiating instruction & Universal Design for Learning (UDL) with an understanding of ESSA requirements.
   - Establishing strong school-family programming and partnerships to foster collaboration including implementation of MTSS, PBIS, RTI.
   - Awareness of resources to include state agencies and services for students with disabilities.

   B. In-Service Teacher Training for General Education Teachers

   In addition, we recommend that ESE officials work to assure that a variety of in-service opportunities focused on special education are made accessible to all school personnel. Continuous opportunities for teacher and paraprofessional development is required to ensure all educators and support staff understand the needs of students with disabilities.

   In his 2012 report to the MA Board of Education, Review of Special Education in the Commonwealth of Massachusetts, Dr. Tom Hehir explains: “It is not enough to simply integrate
students into general education classrooms; we need to make sure that children and teachers have the supports they need to meet challenging standards.”

While some of the recommendations here are the outcome of discussions between the Educator’s Prep Special Education Advisory Council to ESE several, there are also derived from the U.S. Department of Health and Human Services, the U.S. Department of Education Policy Statement on Inclusion of Children With Disabilities in Early Childhood Programs, and The Review of Special Education in the Commonwealth of Massachusetts by Tom Hehir.

SAC Recommends the following to address in-service teacher training:

a. Comprehensive review of the methods used for teaching diverse learners.

b. Better understanding the educational needs of all students’ disabilities.

c. Evidence based literacy and math interventions for students with disabilities.

d. Community and state resources for families of students with disabilities.

e. Transition planning and implementation requirements for students with disabilities.

f. Using technology to support access to curriculum.

g. Supporting diverse cultures and English Language Learners.

h. Examine how to improve practices to meet students’ social & emotional needs.

i. Better implementation of Positive Behavior Supports, interventions and school discipline.

j. Collaborative teaching between special educators and general educators.

k. Comparison of data between school districts in which the achievement gap has been narrowed and in which ways the above have contributed to the results.

l. Teacher to teacher and “admin to admin” mentorship opportunities.

m. Some method of accountability for inclusive practices (track high sub-separate settings and achievement gap and its relationship).

n. Offer incentives for collaboration, inclusive practice, and professional development.

o. Create learning communities among schools, within schools and/or among staff (e.g., teachers, principals, special education coordinators, related service providers) that can share best practices.

p. Substantive administrator and community outreach on the law of least restrictive environment as the first option.

q. School teams plan for differentiation of instruction and the use of flexible grouping of students within and between classrooms for effective instruction of a range of learners based on current abilities (below, at, or above grade level).  

r. School-wide adoption of Universal Design for Learning to plan a curriculum that is accessible to and considers all learners from the beginning.

s. School-wide approach to implement multi-tiered classroom management and positive behavioral supports.

t. School-wide approach to facilitate positive interactions among students with and without disabilities, and educate students by promoting disability awareness, including the contributions of persons with disabilities.

u. Teachers and staff use language focused on the individual and not the disability.

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v. Teachers and staff affirmatively holding high expectations for all students.¹
w. General and special educators create better systems to monitor student progress and plan academic, social-emotional, and behavioral strategies across areas of need.¹
x. School teams continuously and frequently monitor student progress in reading, writing, and math, and implement evidence-based interventions related to areas of need (i.e., tiered).¹
y. All stakeholders understand that inclusion applies to all students with disabilities without regard to race, ethnicity, socioeconomic background, gender or linguistic ability.¹
z. All schools describe their inclusive practices annually in the “school profile books” and through multiple forms of communication at the school and district level, including at Family Resource Centers.¹
aa. Prioritize flexible planning time for general and special education teachers, practitioners, paraprofessionals, and staff.¹
bb. School-wide approach to educating families of students with disabilities and students without disabilities on positive outcomes.¹
cc. Create ESE advisories that incorporate narrative story telling and real case studies.¹
dd. Evaluate successful practices, programs, and policies already in place and provide opportunities for all schools to learn from and access them to replicate their successes.¹
ee. Evaluate successful practices, programs, and policies outside of the district and provide opportunities for all schools to learn from and access them to replicate their successes.¹
ff. ESE should monitor and intervene in districts in which there is an inordinate use of substantially separate settings for students with disabilities.²
gg. Interventions in Districts should require better practice in general education.²

The state should make available a variety of special education related courses, which are low cost and highly accessible to all interested parties. While the lowest performing schools have an obvious need, all districts have staff that could also benefit from further training on special education topics. Offering traditional courses is important, but should be supplemented with more accessible options. Face-to-face classroom style courses are both expensive and inconvenient in meeting the broad needs of the population of educators who need in-service professional development. On-line courses provide an ideal opportunity for many districts, which are challenged to find and pay for necessary coursework. The state should consider partnering with schools of education or companies that already offer on-line coursework and can support this effort. The goal is a broader availability of relevant special education courses.

The state should consider opening this training to parents and guardians, thereby assuring that families have access to the same information as professionals and decreasing communication barriers based on lack of shared understanding of critical content.

The state should further consider partnerships with family-based organizations such as The Federation for Children with Special Needs to help establish and nurture collaborative relationships between families and school administrators, educators, and districts, and to keep the pulse of family experience in the field as it directly relates to the implementation of best practices.

2. Equal access to special education for the disenfranchised, economically disadvantaged, culturally, and linguistically diverse and homeless populations, as well as disproportionate representation in special education and in specific disability categories.

The Equal Access sub-committee reviewed ways to improve access for families who are economically disadvantaged, who are limited English proficient, homeless, or who are in unstable or violent family situations. The group also addressed the disproportionate representation in special education and in specific disability categories of children from these backgrounds. The sub-committee looked at the changing face of special education services and how parents’ involvement in the IEP Team process is changing, given the increase in federal and state mandates and the increasing complexity in the dispute resolution process.

The SAC formulated a series of general recommendations to address equal access for the disenfranchised and economically disadvantaged. They are as follows:

a. Take steps necessary to establish reasonable rates for independent educational evaluations and allow all parents to have a choice of qualified evaluators.
b. Include in the rates independent observation of the student and other critical aspects of a valid assessment, such as participation of the evaluator in the IEP meeting to explain the evaluation and answer questions from the IEP Team.
c. Take steps to establish a system of periodic review and adjustment of the state rates to ensure continued reasonableness of rates.

In addition, the SAC created a series of recommendations addressing specific issues related to equal access for specific groups. They are as follows:

A. Recommendations to address equal access for culturally linguistically diverse (CLD) parents

a. Provide training to school district staff on:
   • Cultural competence and family engagement issues.
   • How to create an inclusive and welcoming environment for all parents.
   • Importance to school of involving parents in the education of their children.
b. Hire key staff who speak target languages to communicate directly with CLD parents.
c. Make school districts aware of availability of IEP templates in various languages
d. Develop a model for providing translation & interpreter services:
   • Use qualified staff for translation of documents.
   • Use professionally trained external interpreters trained in special education terminology to ensure parent participation in proceedings and to avoid appearance of conflict of interest.
e. Provide time frame for school district to produce properly translated IEPs and evaluations to avoid unreasonably delay of services to students.
f. Include ELL staff in IEP meeting to address language issues also impacting access to curriculum.
B. Recommendations for homeless, economically disadvantaged and highly mobile students

g. Schools cannot require an IEP to enroll or serve a homeless student.
h. Parents must be assisted with obtaining copies of IEPs and other documentation from the previous school.
i. Special education procedures need to be explained to parents clearly with easy to follow timelines.
j. Evaluations should be expedited to ensure they are completed before a student moves again.
k. Provide trauma informed services.
l. Maintaining a portfolio of current work is a best practice.

C. Recommendations to reduce disproportionate representation of non-English speaking and economically disadvantaged students in special education

m. Accurate eligibility is essential for intervention and solid data.
n. Tiered levels of instruction are necessary to ensure that all students are receiving evidenced-based instruction before they are identified with a disability.
o. Variations in acceptance of Response to Intervention and adherence to discrepancy models and cognitive referencing can result in both over-identification and under-identification of students with disabilities.
p. Civil rights violation to identify non-disabled as disabled.
q. RTI cannot be used to withhold an evaluation. Short-term, progress monitoring only.
r. Regular, systematic sharing and marketing of ESE MTSS resources and low-cost training to stakeholders.

3. Recommendations concerning the implementation of new regulations on physical restraint 603 CMR 46.00.

The SAC Restraint and Discipline group examined the new Massachusetts regulations related to physical restraint and seclusion (603 CMR 46.00). The goal of the group was to review the regulations with SAC members and provide of feedback to ESE in regards to shortcomings or positive outcomes as the law is implemented across the Commonwealth. The SAC subcommittee led a discussion of the committee and based on the feedback of SAC members drafted a comprehensive list of issues that may need further exploration or monitoring by the ESE.

The SAC recommends that the Board and the ESE:

A. Work to discourage continued police involvement and criminalization of a manifestation of a disability in schools for children with discipline problems.

a. Many schools are afraid of the law, think it is “too hot to handle.” Instead of support, schools will call police so they do not have to deal with it. ESE needs to
provide better training to districts, especially those in the 4/5 categories to ensure children are not criminalized due to their disability.

b. Discipline is often considered a special education issue, but principals, administrators, and others in the school need to take ownership when a child has discipline issues so that everyone has the proper training and understanding.

c. Provide metrics for police engagement.

d. Require data collection for any police calls related to school violence or behaviors; monitor the data to ensure reliability or provide training for districts.

e. Separate in mandated report forms restraints with and without police involvement.

f. Racial and economic inequality data should be taken to see correlation with criminalization and to discourage districts from having this behavior.

B. Review reporting requirements

g. The new reporting requirements are helpful to parents; they are onerous on staff and there should be random quality monitoring to ensure districts are not doing sub-standard reporting to parents.

h. Encourage parents to understand the data and how it was made to protect their children.

i. Provide information to parents and districts on how the data is going to be used. Knowing what will happen with it is helpful to everyone.

j. Intervene in districts where the data shows disproportionality, or at least follow-up with the district to address this disproportionality.

k. Create safeguards to discourage underreporting and over reporting in districts.

l. As part of compliance requirements, examine how to make that requirement valuable for everyone.

m. Review requirements once the first set of data is available.

n. Provide feedback to districts and the SAC as to what the data is telling us.

C. Require better use of Positive Behavioral Intervention Supports (PBIS)

o. ESE should mandate positive behavioral training supports training and prioritize its implementation. Currently it is uneven in quality depending on district, with some districts not providing it at all.

p. Include support staff in PBIS training.

q. Ensure that self-harm protections are “protected”—should be encouraged to ensure safety. Include “bolts, self-injurious behaviors and other safety risk” issues in data in terms of self-injurious behaviors.

D. Training of general education staff and engage community partners

r. Require all school members to do rights training, training in discipline, not just special education teachers.

s. While discouraging police involvement, train them to work with teachers and ensure safety over punishment.

t. Encourage more stakeholder participation with DMH, DDS, others.
4. The learning needs for students with the most significant social and emotional needs within the mental health sphere and who require multiagency support throughout the continuum (K-12).

The behavioral health needs of students with disabilities are significant, with a continuous rise in diagnosis incidence and severity of student needs. There is an “Urgent” need for Partnership between the child serving agencies and LEAs that supports a shared responsibility for student services combined with a shared fiscal responsibility. The State’s efforts in promoting the well being and behavioral health, and trauma informed practices for educational outcomes for ALL students needs to be robust, clearly defined, timely and funded to meet the increasing complex social and emotional needs of students.

There has been a steady increase in school and agency accountabilities for state and federal mandates supporting students and families with limited funds to accommodate the increasing management needs of these requirements. Medical/Psychiatric Diagnostic Procedures are advancing for students with a critical need for a coordinated and aligned system between the medial agencies and schools agencies to produce positive student outcomes. Additionally, early childhood intervention services and transition planning are critical to student success.

A focus on Family Engagement as a central support system for improving student outcomes/ focus in schools, agencies, SPP Indicator is imperative.

The following are challenges/ barriers to successful outcomes for students with significant social, emotional and complex educational learning needs:

- Confusion and lack of understanding between school and state agencies related joint responsibilities in the provision of services.
- Significant need to engage families/outreach efforts that work across cultural, economic and educational realms.
- Resources: Services and programming within MA LEAs need to be consistent, funded and equitable in all communities.
- Budgetary needs and funding is inconsistent across the state agencies with a fundamental lack of interagency support to students (K-12).
- Create parallel Testing and Assessment Tools in schools, agencies and clinical settings.
- Teacher/Administrative Preparation: The knowledge base for special education within the General/Regular Education levels is sporadic/inconsistent regarding instructional practices and programs to meet the needs of students with disabilities in inclusive settings.
- Eligibility vs. entitlement for special education, services, programming and /or supports is a significant barrier to the coordinated efforts needed between agencies and LEAs in serving students with significant social, emotional complex educational needs.
- Medical/Clinical recommendations to school teams need to be contained to their respective disciplines.
- LEAs are using education funds to provide for non-educational services for students with significant social, emotional needs due to a lack of forthcoming resources services from the other child serving agencies.
There is urgency in the State’s response to the following recommendations. An examination of the relationship between supporting services for children with significant complex educational, social emotional challenges is likely to require ongoing multiagency services and the integration of educational services with other agencies (providers/clinicians across the continuum of services, educational needs) entitlements, and eligibilities.

As part of this examination ESE should attempt to redefine and align roles, responsibilities and funding mechanisms of the child serving agencies to support the integration of comprehensive services that meet student educational, social/emotional, medical and psychiatric needs within the context of home, family and educational communities. It is imperative to create team decision making conditions for child serving agencies (Interagency/LEAs) to provide timely, appropriate, funded services to meet the needs of students with disabilities for educational, social, emotional and mental health needs including family support services necessary to increase child/student positive outcomes.

With the continuous increasing number of students with significant social, emotional complex educational learning needs, the following are critical areas for state improvements and the conditions necessary to meet the escalating needs and promoting the joint responsibilities for service delivery within all of the MA child serving agencies (LEAs, DCF, DMH, DTS.)

The SAC recommends that the Board of Education and the ESE:

a. Draft an Updated Interagency Agreement (DMH, DMH, DTS, ESE)(CBHI Services) - to support meeting the unique needs of children /students with significant and complex educational, social and emotional needs requiring a State effort for joint responsibilities and provision of services. The Interagency Agreement to have “enforceable” capacities for the provision of services from the Agencies.

b. Create clearly defined Advisories for alignment and coordination of services between and among LEAs/ State child serving agencies. Advisories should provide accountability measures.

c. Align parity/equitability between special education entitlement and agency eligibility requirements for team decision making for children/student services on IEPs.

d. Continue Mandated Transition Planning Services.

e. Alignment, enforcement and accountability planning within the 688 Referral process for Adult Services.

f. Moratorium on unfunded mandates for special education or provide appropriations and funding to meet the mandated needs commensurate with educational practices and accountabilities.

g. Create a state system where the medical insurers provide payment for psychiatric and clinical counseling services for students with significant social, emotional, complex educational needs that is not time limited but centered on the on-going needs of (the) students requiring such services.

h. We request that the Board of Education inform the SAC when the recommendations for Social /Emotional Educational Learning Needs are implemented /considered and if not why not before the start of the new SAC year activities.
V. COUNCIL DETAILS

ESE Administrator: Teri Williams Valentine
ESE Liaison: Amanda Green
Co-Chairpersons: Tere Ramos and Melanie McLaughlin

Members of the 2015-2016 Advisory Council:

Nicole Baumer, Children’s Hospital
Mary Dennehy-Colorusso, Department of Public Health – Part C
Ruth Diaz, Federation for Children with Special Needs
Colleen Dolan, EDCO Collaborative, MOEC Designee
David Drake, Maaps Designee, The White Oak School
Patricia Fairbanks, Charter School (Benjamin Franklin Classical Charter Public School)
Janet George, Department of Developmental Disability Services
Gail Havelick, Department of Public Health – Maternal & Child Health
Carla B. Jentz, Massachusetts Administrators for Special Education
Christine Kenney, Department of Youth Services
Donna Lehr, Boston University
Melanie McLaughlin, Parent, West Medford
Susan Moyse, Parent, Marshfield
Mary Murray, Department of Youth Services – Alternate
Evelyn Nellum, Department of Early Education and Care
Yasmin Otero, Department of Transitional Assistance
Kathleen Payton, Department of Children and Families
Joanne Philips, Massachusetts Rehabilitation Commission
Teresita Ramos, Parent, Wellesley
Sean Roberts, Parent, Halifax
Darcy Rubino, Parent, North Andover
Sarah Slatterback, ESE Office for the Education of Homeless Children and Youth
Jean Spera, MassUrban Designee, Cambridge Public Schools
Martha Testa, Speech Language Pathologist – Whitman-Hanson Regional School District

Council Meeting Dates:

We would like to thank Marcia Mittnacht, Massachusetts State Director of Special Education,
Teri Williams Valentine, Special Education Planning and Policy Assistant Director, and Amanda
Green, the Department SAC liaison.

Respectfully prepared and submitted by,
Tere Ramos and Melanie McLaughlin SAC Co-Chairpersons
On behalf of the Massachusetts Special Education Advisory Council