



David P. Driscoll
Commissioner of Education

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Commissioner's Update

April 21, 2004

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

In this update, I have four announcements and nine items posted at www.doe.mass.edu.

Lead in School Drinking Water

The attached notices from Massachusetts Environmental Protection Commissioner, Robert Gollidge, Jr., address important issues related to safe levels of lead in school drinking water. I urge you to review the materials and forward them to your school principals.

<http://mass.gov/dep/brp/dws/files/urgtnotc.pdf>

<http://mass.gov/dep/brp/dws/files/seminars.pdf>

NCLB: Highly Qualified Teacher and Paraprofessional Requirements

We are preparing new information related to highly qualified teachers and paraprofessionals required by NCLB. These notices include five items:

- An update about the new federal flexibility provisions for the highly qualified teacher requirements and what they mean for Massachusetts
- A sample "Supplemental HOUSSE Log"
- An update regarding the ParaPro test for paraprofessionals including information about a paper and pencil test option
- Frequently asked questions related to the paraprofessional requirements, and
- Guidelines for the disclosure of educator information as outlined by NCLB and Massachusetts public records law.

These documents will be posted at <http://www.doe.mass.edu/nclb/hq/> by Friday, April 23.










Student Artwork Wanted

I wanted to remind you that this summer I will be hosting the annual convention of the Council of Chief State School Officers here in Boston. While they are in Massachusetts I want to surround the education commissioners with reminders of the students we serve by covering the walls of the conference center with student artwork. If you would like the work of your students of all ages represented, please send us as much as you can collect by the end of June. Students should be aware that we will be unable to return their artwork. Please label each piece with the name of the school and name and age of the artist. Send all artwork to Heidi Perlman at the Department of Education, 350 Main St., Malden, MA 02148. If you have any questions, contact Heidi at hperlman@doe.mass.edu.

The National Institute for Occupational Safety and Health (NIOSH) Safety Checklist Alert

In July 2003, the National Institute for Occupational Safety and Health (NIOSH) issued an alert entitled "*Preventing Deaths, Injuries, and Illnesses of Young Workers*," and followed up with a CD, "*NIOSH Safety Checklist Program for Schools*," in December 2003. The alert and the CD will be mailed to high school principals and directors of approved special education schools in the near future. I encourage you to review the alert and the CD and use them in your efforts to provide students with health and safety knowledge that will last throughout their lives.
http://www.doe.mass.edu/cte/news04/0420niosh_updt.html

Here are nine items recently posted:

1. MCAS Retest Update and Performance Appeals

2. Updated 2003 AYP Reports and Timeline for 2004 AYP Reporting

3. MCAS Assessment Development Committees Recruitment Deadline Extended

4. Full Day Kindergarten Conference

5. Special Education Advisory Regarding School District Responsibility for Day Students Who are Transferred to Residential Schools by the Department of Social Services

6. Statewide Data Collection Training for FY 2005 SIMS and School Safety and Discipline Report

7. Regional Technical Assistance Workshops on Applying for 2005 NCLB Title II Part D Technology Grants for the upcoming school year (2004-2005)

8. Visiting Exchange Teachers Memorandum

9. Circuit Breaker Trainings


All the best, and

Sincerely,

David P. Driscoll
Commissioner of Education

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Massachusetts Comprehensive Assessment System

MCAS Retests

This year we administered two MCAS focused retests, one in November and one in March. **Results of the March retests will be returned to schools on or about April 30.** Offering two focused retests within the school year provides students and schools with a number of advantages:

- First, the focused retests are designed specifically to determine whether students have met the Competency Determination standard, which means that these retests do not include the more difficult questions that establish whether students are performing at the Proficient and Advanced levels. In the past we offered only one focused retest - in December. Students wishing to retest in the spring had to take the standard grade 10 tests and did not receive their scores until early September.
- Second, reporting the results of the March retests by the end of April is helpful to seniors who have not yet earned the Competency Determination: they have more time to prepare to take the July retests, and school personnel have more time to submit an MCAS performance appeal before the student's scheduled graduation date. All appeals for students in the class of 2004 that the Department receives by May 11 will be processed before the end of the month.
- Finally, we have received positive feedback from school personnel for separating the spring retests from the standard grade 10 tests. School personnel have found it much easier to manage test administration when they are not testing large numbers of grade 10, 11, and 12 students at the same time.

I intend to release an update on the percentage of students in the classes of 2003, 2004, and 2005 who have met the Competency Determination standard in late May.

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School and District Accountability

Updated 2003 AYP Reports and Timeline for 2004 AYP Reporting

To: Superintendents, Charter School Leaders, and Other Interested Parties

From: David P. Driscoll, Commissioner of Education

Date: April 14, 2004

Updated 2003 Mid-Cycle Adequate Yearly Progress (AYP) Reports Have Been Posted

Final edits to the 2003 AYP file have now been completed. Thank you to all who reviewed and provided pre-publication feedback on the updated reports that we posted in the security portal in March. On April 7th we posted the updated 2003 AYP reports for public access on the Department's website at <http://profiles.doe.mass.edu/>. The link to these reports appears at the bottom left of the 2003 "test results" page contained in each school and district profile.

Summary of Reasons for Report Changes

We made changes to the 2003 mid-cycle AYP reports only in cases where correction of a data discrepancy or action on an appeal resulted in a changed AYP determination. In the updated file, 98% of the AYP findings issued in November 2003 remain unchanged. Where AYP determinations changed, it was a result of one or more of the following actions:

1. Grade 3 MCAS-Alt assessment results are now included in performance calculations. These records were missing from the file used to make the AYP determinations issued in November.
2. In the updated calculations we have limited the award of alternate index points to students with the most significant cognitive impairments. This conforms to USDOE requirements. Proficiency index points have been applied to the MCAS-Alt results of students who do not evidence significant cognitive impairments.
3. In cases where the rate of 2003 MCAS participation by LEP students fell below 95% as a result of local administrators exercising their authority to excuse limited English proficient students who were enrolled in their first year in U.S. schools from test participation, we have granted relief, on appeal, from resulting adverse AYP determinations. The criteria applied in granting these appeals are consistent with a recently announced USDOE policy change on the inclusion of LEP student data in AYP calculations which is in effect for 2004.
4. A school or district appeal was granted on the basis of individual student circumstances related to attendance and/or test participation or assessment process abnormalities.

Where data corrections made for one of the reasons above did not alter a school's or district's original 2003 AYP determinations, those changes have been incorporated into the Department's official student records. They will be reflected in the end-of-cycle accountability reports that we will issue in the late summer/fall of 2004.

Preparations for 2004 End-of-Cycle Accountability Reports

This year we will issue preliminary 2004 AYP determinations in **late August** - almost three months earlier

than last year. To accomplish this feat, by early summer we must have all of the 2001, 2002 and 2003 data in final form, taking into consideration all of the new rules recently announced by USDOE. We also have to complete data matching for all schools that do not serve MCAS-tested grades or that have sample sizes below our reporting limits.

As a next step in this process, in **late April** we plan to post to the security portal a preliminary end-of-cycle student file for each district. This file will contain the district's 2003 student data with all of the new AYP data rules applied. A handout detailing the new policies and calculation rules that we will implement for 2004 will accompany this file.

During the **month of May** we will ask you to check your preliminary file to assist us in identifying and resolving any data discrepancies. It is essential that, wherever possible, we resolve data discrepancies **BEFORE** end-of-cycle reports are generated. Department staff will be available to answer any questions you may have as you review your district's file. We hope that this process will serve to familiarize you and your staff with the rules that we will follow in calculating 2004 End-of-Cycle III ratings and AYP determinations.

In August we will be combining the student data in these preliminary end-of-cycle files with the newly arrived 2004 MCAS data. End-of-cycle school and district ratings and AYP determinations will be based on combined 2003 and 2004 student results compared to combined student results for the 2001 and 2002 baseline years. We plan to release *preliminary* 2004 AYP determinations on or before **August 31, 2004**. There will follow a period of 2004 data review and discrepancy reporting, after which *final* end-of-cycle school and district rating and AYP reports will be issued. We expect to finalize end-of-cycle accountability reporting for Cycle III on or before **November 1, 2004**.

Schools that in 2003 had one or more negative AYP determinations must be prepared to implement school choice in September 2004 if they again do not make AYP for that subject and group in 2004. The preliminary 2004 AYP determinations issued in late August will be used to determine which schools must implement school choice for the 2004-2005 school year.

If you have questions on matters addressed in this memorandum, please write to us via e-mail at ATA@doe.mass.edu or call Yves Salomon at 781-338-3527.

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Massachusetts Comprehensive Assessment System

Recruitment for New MCAS Assessment Development Committees

To: Superintendents, Principals, and Other Educational Leaders

From: David P. Driscoll, Commissioner of Education

Date: March 19, 2004

The Department of Education is seeking classroom teachers, school and district administrators, and other educational leaders to serve as members of the MCAS Assessment Development Committees for the new assessments required by the federal [No Child Left Behind](#) law. The six new tests that will be developed are: ELA Grades 5, 6, and 8, and Mathematics Grades 3, 5, and 7. These tests will be field tested in the spring of 2005 and will become operational in 2006.

Members of the MCAS Assessment Development Committees are directly involved in developing MCAS test questions. We are looking for members with content expertise, familiarity with the Massachusetts [Curriculum Frameworks](#), and experience teaching students at the grade level to be tested. This is a professional development opportunity for educators who are interested in learning about large-scale, standards-based assessment and in contributing to the development of MCAS tests. I hope that you will share this information with members of your faculty.

For the 2004 development cycle, these committees will be six members each. Next year six new members will be recruited to each committee. The meeting schedule through August 2004 for the committees is shown below.

ADC Meeting Schedule through Summer 2004

Committee	Orientation	Spring	Summer
ELA 5	May 14	Wed. May 19-Thur. May 20	Mon. Aug. 2-Wed. Aug. 4
ELA 6	May 14	Tues. May 25 -Wed. May 26	Wed. July 21-Fri. July 23
ELA 8	May 14	Thur. May 27- Fri. May 28	Wed. July 28-Fri. July 30
Math 3	May 14	Tues. May 18	Mon. July 26-Tues. July 27
Math 5	May 14	Thur. May 20	Wed. July 28-Thur. July 29
Math 7	May 14	Fri. May 21	Mon. Aug. 16-Tues. Aug.17

The application process is described below. **The NEW application deadline is Friday, April 30, 2004.**

Committee Members' Responsibilities

Assessment Development Committee members assist the Department of Education in the development of MCAS items and scoring guides. Responsibilities include reviewing MCAS items and other related materials for:

- alignment to the Massachusetts Curriculum Framework and MCAS performance standards,
- developmental appropriateness,
- instructional worthiness.


Committee members are charged with reviewing all questions prior to field testing and making suggestions for refinements. Members also review the items after field testing when they are accompanied by actual test item performance data. In addition, ELA committee members review prospective reading passages and make recommendations regarding their use on future MCAS tests.

A criterion for selection is current employment by a Massachusetts public school or by a private school serving students served by public funds.

Reimbursement of Expenses


Transportation costs are reimbursed for all members and lodging is provided to members who live 70 or more miles away from the meeting site. For summer meetings, an honorarium of \$100 per meeting day will be paid to members

Application Procedure

[Applications](#)  must include the following three components:

1. **Current résumé** (including course syllabi if available)
2. **Statement of interest**
Brief statement (1-2 pages) that explains why the applicant wishes to serve and describes particular training and experience that will allow the applicant to contribute as an MCAS ADC member.
3. **Completed application form with Superintendent's signature of support.**

Upon selection, successful applicants will be asked to confirm their availability for all meetings announced herein. In calendar year 2004 the total commitment for ELA committees is eight days, including the orientation meeting on May 14, and three days this summer. The total commitment for Mathematics committees is seven days, including the orientation meeting on May 14, and two days in the summer. Appointments cover the period from the present through October of 2005.

The NEW deadline for receipt of [applications](#)  by the Department of Education is **Friday, April 30, 2004**. Please see the attached application for further directions. Notification of acceptance will be sent later this spring.

If you have any questions, please call:
Jennifer O'Toole, ELA Lead 781-338-3263
Marcia Kastner, Mathematics Lead 781-338-3611

Thank you for your interest.

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**MCAS ASSESSMENT DEVELOPMENT COMMITTEE MEMBER APPLICATION:
English/Language Arts, Grades 5, 6, 8
Mathematics, Grades 3, 5, 7
Spring 2004**

Name (Last) _____ (First) _____

Current Position/Employer _____

Home Address (Street) _____

(City/Town) _____ (State) _____ (Zip) _____

Home Phone (_____) _____ E-mail _____

School Name _____ District Name _____

School Address (Street) _____

(City/Town) _____ (State) _____ (Zip) _____

School Phone (_____) _____ School Fax (_____) _____

Years of teaching experience _____

Course(s) you now teach _____

Indicate the committee(s) to which you wish to apply: (please check all that apply)

- ELA, Grade 5
- ELA, Grade 6
- ELA, Grade 8

- Mathematics, Grade 3
- Mathematics, Grade 5
- Mathematics, Grade 7

Do you have any experience teaching students who have disabilities? If yes, please explain.

Do you have any experience teaching limited English proficient students? If yes, please explain.

Superintendent's Recommendation
I support the application of _____ to serve on the _____ MCAS Assessment Development Committee
Name: _____
Title: _____
Signature: _____

Please note that this completed form must be accompanied by:

- A **current** résumé, and
- A **statement of interest** explaining why you wish to serve as a member of the MCAS Assessment Development Committee and describing any particular training and experience you have that will enable you to make a positive contribution to the committee's work.

I certify that to the best of my knowledge the answers given here are true and complete, and that I am committed to attending ADC meetings as per the schedule provided.

Applicant Signature

Date

Please return this MCAS ADC application by mail or fax no later than **5:00 p.m. April 30, 2004** to:

MCAS ADC Grade Applications Student Assessment Services Unit Massachusetts Department of Education 350 Main Street	Phone: (781) 338-3625 Fax: (781) 338-3630
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Malden, MA 02148	
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**Massachusetts Department
of Education
presents a
Full-Day Kindergarten
Statewide Networking Conference**



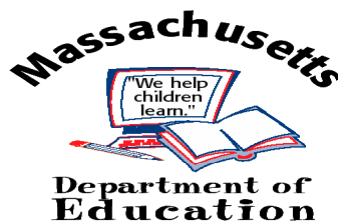
*Best Western Royal Plaza
Marlborough, MA
May 14, 2004
9 a.m.-3:30 p.m.*

Keynote Presenter:

Marilou Hyson, Associate Executive Director for Professional Development,
National Association for the Education of Young Children

Keynote Presentation:

Strengthening the Fabric of Kindergarten Programs:
Early Childhood Curriculum, Assessment, and Program Evaluation





**Best Western Royal Plaza
Marlborough, MA
May 14, 2004
9:00 a.m. - 3:30 p.m.**

AGENDA

8:30 - 9:00	Registration
9:00 - 9:30	Welcome
9:30 - 10:30	Keynote Speaker
10:30 - 12:30	Morning Sessions
12:30 - 1:30	Lunch
1:30 - 3:30	Afternoon Sessions

Morning Sessions



Session 1 “Moving On Up”: Transition Models that Strengthen the Fabric of Kindergarten Programs

This workshop explores the Mashpee Public Schools’ “Countdown to Kindergarten” initiative. A panel of early childhood professionals will present Mashpee’s transition to kindergarten program. This program was successfully established through the collaboration among families, teaching staff and children, parent/teachers organizations, local preschools and community agencies.

- Jey Smith, Early Childhood Coordinator, Louise Doyle, Principal
- Davien Gould, Kindergarten and Intergrated Arts Teacher
- Peg Geary, Director and Teacher, KidsKlub Preschool
- Barbara Zuwallack, Community Partnership Coordinator
- JoAnne Bellone, Special Needs Teacher
- Elizabeth Moore, Parent



Session 2 Kindergarten Assessment

This session will highlight key points from NAEYC’s “Principles and Recommendation for Early Childhood Assessment” and the NAEYC position statement: “Early Childhood Curriculum, Assessment, and Program Evaluation.” Presenters will also share an array of successful assessment initiatives in their districts.

- Mary Ann Fleming, Literacy Coach PreK-1, Lawrence Public Schools
- Lynn Santa, Kindergarten Mentor Teacher, Springfield Public Schools
- Lucille Richards, Early Childhood Facilitator, Worcester Public Schools

Session 3 NAEYC Accreditation Pros and Cons: You can do it!

This session will provide an overview of the NAEYC accreditation process. Both obstacles and solutions to accreditation of public school kindergartens will be addressed. Issues related to NAEYC’s accreditation reinvention will be discussed.

- Geraldine Pedrini, Director, Sunshine Nursery School, Arlington; and NAEYC Validator
- Elizabeth Cronin, Principal, Rockport Public Schools

Session 4 Language: The Heart of Early Childhood Curriculum

This workshop will introduce participants to research highlighting the centrality of enhancing language development in the curriculum. Videotapes and discussion will link theory to classroom practices.

- David K. Dickenson, Lynch School of Education, Boston University



Session 5 Integrated Curriculum: Making It Work

Puzzled over the process of integrating the Massachusetts Curriculum Frameworks, developmentally appropriate practices and assessment? Then join us for an informative workshop highlighting the process the Methuen Public Schools has used in developing comprehensive curriculum units.

- *Bobbie Brouder, Kindergarten Teacher, Early Childhood Committee Chairperson, Methuen Public Schools*
- *Karen Jerz, Kindergarten Teacher, Math Committee, Chairperson*
- *Tracey Cirigliano, Grade 3 Teacher, Grant Facilitator*

Afternoon Sessions



Session 6 Promoting the Social Competency of Young Children

Early childhood accreditation consultants link with elementary behavioral specialists to develop environments, curriculum and interventions that foster social-emotional development of young children.

- *Karen Tewhey, Early Childhood Director, Lowell Public Schools*
- *Terry O'Neil, Carolyn Rocheleau, Assistant Early Childhood Coordinators*
- *Pam Comer, Patti Corrente, Sara Silva, Elementary Behavior Specialists*

Session 7 Putting the Puzzle Together: IEPs and the Curriculum Frameworks

Interested in ensuring that children with disabilities have access to the regular curriculum? Three communities will share the sequence of events, procedures, and outcomes of their Curriculum and IEP Study Groups as well as the continuation of collaborative efforts.

- *Carolyn Corliss, Early Childhood Coordinator, Project Apples, Leominster CPC*
- *Carol Huebner, Early Childhood Coordinator, Acton Public Schools*
- *Mary Wile, Ed.D., Early Childhood Coordinator and Principal of Szetela Early Childhood Center, Chicopee Public Schools.*



Session 8 Administrators Networking Session

This session will provide grant administrators with an opportunity to network and share how various districts are implementing the Quality Full-Day Kindergarten Grant priorities. Grant coordinators will have an opportunity to discuss topics of similar interest with other districts, regardless of how long they have implemented full day kindergarten.

- Carolina Buitrago and Lisa Van Thiel, Early Learning Services, Department of Education

Session 9 Round Table Discussion with Marilou Hyson

Marilou Hyson will provide participants an opportunity to ask individual questions and engage in a discussion about curriculum, assessment and program evaluation.

Session 10 Successful Transition and Inclusion for the Child with Autism Spectrum Disorder

This session will provide an overview of Autism Spectrum Disorder (ASD) including definitions, rates of incidence and describing the key features of the diagnosis. The presenters will discuss the strategies and supports used to help children with ASD and to be successful in inclusive settings.

- Maria Siciliano, M. Ed., Autism Specialist, Everett Public Schools

- Heather Sweeney, M. Ed., Autism Specialist, Shore Educational Collaborative

Session 11 Bring, Brag and Networking Session

Quality Full Day Kindergarten grant programs will be available to share their success stories with one another. Tables will also be provided for informal networking discussion to occur.

Registration Form

Name of District _____

Phone Number _____

Fax Number _____

Each district may send up to four people. Early Learning Services strongly encourages districts to send a team including the Kindergarten Grant Administrator, Principals, Teachers, and Paraprofessionals.

Name	Role	Morning Sessions 1-5 (Chose one)	Afternoon Sessions 6-11 (Chose one)

Registration can be faxed to Nermina Peric @ 781-338-3370 by May 7.

We will not confirm registrations. Therefore, please keep a copy of this form for your own records.

If you would like to participate in a Bring and Brag Networking Session, please read the enclosed memorandum and contact Lisa Van Thiel at 781-338-6371 or Lvanthiel@doe.mass.edu and sign up for Session 11.



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Family & Community > Special Communities

Special Education

Administrative Advisory SPED 2004-4:

School District Responsibility For Children in Special Education Day Schools Who Are Transferred to a Residential School by the Department of Social Services

To: Special Education Administrators, Directors of Collaboratives, Directors of Approved Special Education Schools and Other Interested Parties

From: Marcia Mittnacht
State Director of Special Education

Date: April 12, 2004

Public school districts have an obligation to provide a free appropriate public education to children with disabilities under state and federal law.¹ When children with disabilities are in the care or custody of the Department of Social Services (DSS), school districts have questions about: the role of DSS in changing a child's place of residence; the responsibility of the school district when a child is in an out-of-district special education day school program and DSS moves the child to a special education residential school; and how special education residential school costs are shared by DSS and school districts when a child is moved to a special education residential school for non-educational reasons.

When a child is in the care or custody of DSS and is enrolled in a special education day school, the outcome for the child can be improved by interagency cooperation. This advisory restates longstanding Department of Education special education regulations and practices and is being issued to assist school districts in cooperating with DSS in serving these vulnerable children with disabilities.

The following subjects are addressed by this advisory:

1. [If a child is in DSS care or custody, DSS has authority to determine where the child lives. DSS makes residential placement decisions on the basis of a clinical determination in accordance with DSS standards. DSS does not make special education placement decisions.](#)
2. [The Department of Education's special education regulations regard a special education day school as a type of program and do not regard a special education day school run by an educational collaborative or other public entity as a different program type than one operated by a private entity.](#)
3. [If a child has been placed in a special education day school by a school district in accordance with an Individual Educational Program \(IEP\) and special education placement determination, and DSS changes the child's residence, the school district is required to continue providing a comparable special education day school type of program until the IEP Team decides to change the child's special education program and placement.](#)
4. [If DSS makes a clinical determination in accordance with DSS standards that the child should be placed in a special education residential school, DSS will share the special education residential school costs with the school district.](#)

Each of these subjects is discussed below.

- 1. If a child is in DSS care or custody, DSS has authority to determine where the child lives. DSS makes residential placement decisions on the basis of a clinical determination in accordance with DSS standards. DSS does not make special education placement decisions.**

A child may enter DSS care or custody in several different ways.² Once the child is in DSS care or custody, DSS has authority to determine where the child lives. DSS places children in a residential school following a clinical determination, based on diagnostic and other assessment information, that the child requires such a setting. DSS is making a residential placement but is not making a special education residential school placement as this term is used in the special education law and on the Department of Education special education placement form PL1. DSS does not make special education placement decisions.

When DSS places a child in a residential school, the DSS worker will notify the responsible school district(s) of the changed residence. This notification will occur in advance of the transfer whenever possible.³

The issue of *which* school district has programmatic and/or financial responsibility is made on a case-by-case basis according to the criteria identified in 603 CMR 28.03(4). If the child is in a private special education day school, in some cases the "move in law," M.G.L.c 71B, §5, may have a bearing on this determination.⁴

- 2. The Department of Education's special education regulations regard a special education day school as a type of program and do not regard a special education day school run by an educational collaborative or other public entity as different from one operated by a private entity.**

The special education program type reflects whether programs for disabled students take place in the same location as programs for non-disabled students. A program is defined as a special education day school type of program if the program is located in a facility that primarily serves students with disabilities.⁵ The special education regulations do not regard a special education day school run by an educational collaborative or other public entity as a different type of program than one operated by a private entity.

Private and public special education day schools are treated as the same type of program under the Department of Education regulations. Therefore, DSS's placement of a child in a special education residential school for non-educational reasons may move a child in a public or private special education day school program to a residential school location but such move by DSS does not, by itself, change the type of special education placement.

- 3. If a child has been placed in a special education day school by a school district in accordance with an Individual Educational Program (IEP) and special education placement determination, and DSS changes the child's residence, the school district is required to continue providing a comparable special education day school type of program until the IEP Team decides to change the child's special education program and placement.**

The child's IEP Team makes the determination of the appropriate special education program (IEP) and the type of special education placement necessary to implement that IEP. If the child's IEP Team has determined that the child requires a special education day school type of program and placement, the school district is required to continue providing a special education day school type of program until the Team decides to change the child's special educational program and placement. If a child moves to a new place of residence, the child's IEP remains in effect until a new IEP is developed.⁶ Therefore, when a child is moved to a special education residential school by DSS, the school district, DSS and the special education residential school should all work together to ensure that the child receives an appropriate special educational program, according to the agreed upon IEP and special education day school placement determination.

If the special education residential school agrees to provide the services of the agreed upon IEP, the school district will enter into a written contract with the special education residential school to provide the special education day program in accordance with the IEP.⁷ The school district should note for the child's file that the location of the special education day program has been changed as a result of a change in the child's residence and that the school district has determined that the contracted facility can provide the program and services as specified in the child's IEP. No further

IEP procedure is required.

Alternatively, the school district may convene a Team to consider whether the child's IEP continues to be appropriate, or whether the special education program offered by the residential school is appropriate for the child and is able to deliver the services required by the child's IEP. In addition to the required members of the IEP Team, a representative of the residential school where DSS has placed the child must be invited to participate as a member of the Team. A DSS representative should also be invited to the meeting.

If the Team decides that the residential school is not able to deliver the services required by the child's IEP, the school district must take appropriate action to assure that it provides or arranges the provision of the program and services that the child requires. School district actions may include but are not limited to, providing an extended school day or year, providing supplemental or related services or locating an alternative program that will fulfill the child's IEP.

The public school district will continue to be responsible for convening the Team annually to review the child's special education program and needs, and to develop an IEP and identify the appropriate special education placement to provide the IEP services.

4. If DSS makes a clinical determination in accordance with DSS standards that the child should be placed in a residential school, DSS will share the residential school costs with the school district.

If DSS has made a clinical determination in accordance with DSS standards that the child should be placed in a residential school, DSS will share the residential school costs. School districts will be responsible for either 50% of the residential school tuition, or, in the alternative, the day portion of the special education residential school costs as determined by the Operational Services Division (OSD) of the Executive Office of Administration and Finance.⁸

If the special education residential school has a residential rate but OSD has not established a separate day rate, the Department of Education recommends that the school district share the cost of the residential rate equally with DSS. It can be difficult to separate out which aspects of a residential school's program and services meet the child's special education needs and which meet his/her non-educational needs. For this reason, it makes sense to share the cost equally. If a school district shares the cost of the residential program equally with DSS, the district does not need to notify the Department of Education or seek approval of this arrangement. In many circumstances this will be the easiest and preferred arrangement. A school district may not negotiate any other cost-share arrangements with DSS. The equal cost-share arrangement has been the usual and customary practice for many years and has been sanctioned by interagency agreements between the Department of Education and the Department of Social Services since 1983.

OSD establishes tuition rates under two procedures. OSD will either establish a tuition rate following the Department of Education approval of a private day or residential special education school program under 603 CMR 28.09 or upon a special request pursuant to 603 CMR 28.06 (3)(e) (4). These two procedures are described in greater detail below.

- If the Department of Education has approved the residential school with a day school component under 603 CMR 28.09, then the program will have both a day school tuition rate as well as a residential tuition rate set by the OSD.
- If the Department of Education has approved the special education residential school solely as a residential school program, then OSD will have set only a residential tuition rate. In such circumstances, the school district may seek approval from the Department of Education to request that OSD establish a separate individual tuition rate for the child's special education day school program under 603 CMR 28.06(3)(e). The school district's application to the Department of Education for approval must preserve the full level of services required by the child's IEP, including extended day or year services, as appropriate. Upon Department of Education approval, OSD will establish an individual day school tuition rate covering the day services provided to implement the child's special education placement. Please note that a day tuition rate established for an individual child will not establish an approved special education day school within the residential school. Individual pricing only establishes a rate for the individual child for whom the request was made. Any subsequent placements under similar circumstances for any child in that special education residential school will require full documentation in order to establish an individual day tuition rate for each placement.

Once OSD has established both day and residential tuition rates, the school district(s) with financial responsibility will pay the special education day tuition rate. The DSS will pay the established

residential tuition rate less the day tuition rate.

In closing, we hope this information is helpful to public and private special education school administrators in providing special education day program services to children with disabilities in the care or custody of DSS.

If you have any questions or require additional information, please contact Program Quality Assurance Services at the Department of Education (781-338-3700).

1 M.G.L.c.71B and 603 CMR 28.00 and 20 USC 1400 et. seq., 34 CFR 300 et.seq.

2 A child is the "care" of DSS if the child is placed outside of the home under a Voluntary Placement Agreement, or through a Petition for Voluntary Care and Responsibility. M.G.L. c. 119, §23, paragraph A. Through these processes, the parent or guardian retains legal custody of the child but agrees to a temporary delegation of rights to DSS. A child is in DSS "custody" when a court issues an order transferring legal custody from a parent or guardian to the agency. A custody order may be issued in a care and protection petition, a private dispute between parties in which the court gives custody to DSS, or in a CHINS proceeding. See generally, M.G.L. c. 119, §§23-26, §§39E-39G, c. 208, c. 209.

3 DSS Notice to LEA revised April 2003.

4 The application of the move-in law is discussed in an August 10, 1998 memorandum available at <http://finance1.doe.mass.edu/seduction/movein.html>

5 603 CMR 28.02(1), (2) and 28.09(2)(b)(2).

6 603 CMR 28.03(1)(c).

7 See 603 CMR 28.06 (3)(f) General Requirements for out-of-district placements, Written Contracts. See also, Administrative Advisory SPED 2002-5: Special Education Contracts Between School Districts and Out-of-District Programs.

8 OSD establishes rates pursuant to 808 CMR 1.00 which applies to Contractors and Subcontractors providing Human and Social Services to any Department and to all Contractors operating Programs approved by the Department of Education (DOE) under M.G.L. c. 71B ... and to Local Education Authorities (LEAs). The OSD website is: http://mass.gov/portal/index.jsp?pageID=agcc&agid=osd&agca=es&agcc=es_sped

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Tuesday, April 20, 2004

NEWS SEARCH

Keyword:

Target:

Dates:

Past 30 days

Past 90 days

Date Range

Start:

End:



Registration for May Data Collection Training

The Information Services unit will be providing Data Collection Training in May at locations throughout the state. The sessions will focus on the 2004-05 SIMS and the School Safety and Discipline Report collection. District staff that are responsible for this information should attend. Individuals can register at the following link <http://www.doe.mass.edu/conference/?ConferenceID=41>.

[ConferenceID=41](http://www.doe.mass.edu/conference/?ConferenceID=41).

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Educational Technology

Technical Assistance Workshops

The Department of Educational will hold three regional technical assistance workshops to help districts interested in applying for NCLB Title IID technology grants for the upcoming school year (2004-2005). These workshops will be held from 1:00 to 3:00 p.m. on May 11, 13 and 20. To register for one of these workshops, contact Nicole Cirino by May 3 at ncirino@doe.mass.edu or 781-338-6935. Please provide your name, school district and contact information. Also tell us which of the three workshops you plan to attend.

May 11, 2004 - Randolph (at The Lantana)

[Directions](#)

May 13, 2004 - Northampton (at the Clarion Hotel and Conference Center)

[Directions](#)

May 20, 2004 - Hudson (at Hudson High School)

[Directions](#)

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Visiting Teachers Program

Visiting Teachers

To: Superintendents, Human Resource Personnel, Foreign Languages Department Chairs

From: David P. Driscoll, Commissioner of Education

Date: April 12, 2004

The Massachusetts Department of Education is designated as a sponsor for the Exchange Visitor Program in accordance with the administrative regulations issued under the federal Mutual Educational and Cultural Exchange Act of 1961. This designation permits the Department to provide teaching opportunities at primary and secondary schools selected by the Department for qualified foreign teachers in order to promote the general interest of international educational and cultural exchange.

Currently there are approximately 25 exchange teachers working in Massachusetts public schools. Exchange teachers hold J-1 visas and are eligible for employment in Massachusetts schools for up to three years. These teachers are exempt from licensure requirements as defined by M.G.L. c71, § 38G. Therefore, exchange teachers are not required to obtain Massachusetts educator licenses.

If you need additional information or assistance on the Exchange Visitor Program, please contact Susan Wheltle, Director of the Office for the Humanities, at 781-338-6239, or swheltle@doe.mass.edu.

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School Finance: Circuit Breaker

Memorandum

To: Special Education Directors and Other Interested Parties
From: Jay Sullivan, Administrator, School Business Services
Date: April 12, 2004
Subject: [Circuit Breaker Update Training](#)

As you are aware, the Circuit Breaker program reimburses districts for high cost students in the same year they occur. Consequently, districts need to report to us throughout the year to ensure reimbursement amounts are up to date. In addition, we need to clarify issues that arose when the claim data was verified to data in the Student Information Management System (SIMS).

This update process will be handled in similar fashion to the initial process. District files will be available for download through the secure portal. Once downloaded, districts need to verify the data for their students, add any new students, save the file and upload it back through the secure portal.

We will be conducting [training sessions](#) the last week in April through the first week in May throughout the state. Special Education Directors and School Business Officials are certainly welcome at the training, but we ask that staff that will be working on the file locally attend the session. District files may be available to districts just before the training sessions through the secure portal.

The trainings are scheduled for the following dates:		Directions [WORD PDF]	Time
Monday April 26	Herberg Middle School Whitebrook Middle School	Pittsfield Easthampton	9:00 A.M.-12:00 noon 1:00 P.M.-4:00 P.M.
Tuesday April 27	Sturbridge Host Hotel	Sturbridge	1:00 P.M.-4:00 P.M.
Wednesday April 28	Radisson Hotel Holiday Inn	Milford Taunton	9:00 A.M.-12:00 noon 1:00 P.M.-4:00 P.M.
Thursday April 29	Holiday Inn Minuteman Vocational H.S.	Peabody Lexington	9:00 A.M.-12:00 noon 1:00 P.M.-4:00 P.M.
Friday April 30	Four Points Sheraton	Leominster	9:00 A.M.-12:00 noon

Monday May 3

Radisson Inn

Hyannis

1:00 P.M.-4:00
P.M.

Click the link to register: [Circuit Breaker Update Training](#)

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