



David P. Driscoll
Commissioner of Education

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Commissioner's Update

January 5, 2005

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

I have three announcements and four items listed at www.doe.mass.edu in the first Commissioner's Update for 2005.

A Comment on the Effects of the Asian Tsunami

We are all affected by the devastating tsunami that took so many lives along the Indian Ocean last week. The disaster has caused great suffering across the globe. I am aware that many in your school communities are impacted, directly and indirectly, by the events, and I want to offer my thoughts and prayers to all. Let us hope that our efforts going forward will call upon the best of humanity to help those who are in need.

In this regard, many schools have begun efforts to raise funds to aid the Asian victims. To ensure that your schools' donations go to legitimate agencies, I urge you to encourage your school personnel to review a list of reputable charities located at <http://Guidestar.org>. These organizations have registered with the U.S. Internal Revenue Service and have met its terms for a nonprofit charity.

Speaker Opportunity Presented by Lt. Governor Healey

We are fortunate in Massachusetts to have many talented and interested people in our midst who are eager speak to students on a variety of critically important social issues. Lt. Gov. Kerry Healey recently introduced me to another young man - Cedza Dlamini, grandson of Nelson Mandela. Cedza is currently doing his graduate studies at Tufts University, and would like to visit schools in Massachusetts to speak against violence and about ways to resolve conflicts peacefully, and with compassion. He serves as a youth emissary and spokesman for the Millennium Development Goals adopted by world leaders during the UN Millennium summit in 2000, and was also appointed co-chair for the World Youth Peace Summit in Africa. He is an impassioned humanitarian and powerful speaker, and I am confident your students would enjoy and learn from his message. To read more about him, check his web site at www.cedza.com.

He would like to visit a few urban schools each month for the rest of the school year, so if you are interested in having him speak to your students, contact my media director, Heidi Perlman, at hperlman@doe.mass.edu. We will compile a list and help to get him to as many of your schools as possible.




Massachusetts Foundation for the Humanities

The Massachusetts Foundation for the Humanities has developed an innovative radio and Internet "almanac" of historical facts about Massachusetts for 2005. "Mass Moments," comprised of 365, one-minute factual stories about historical events in Massachusetts, began broadcasting on January 1 and it will air a new story daily on radio stations across the Commonwealth. The stories are engaging and varied and they cover facts related to every part of the state and every period of our history. This innovative radio project will be accompanied by its own website, as well, where details, related activities, homework assignments and independent projects will supplement each daily radio spot. "Mass Moments" may add a useful component to your history curricula, and I encourage you to go to www.massmoments.org for more information.

Here are four items posted at www.doe.mass.edu:

1. Fiscal Year 2004 Annual Audit Reports Due



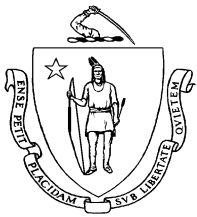
2. Notice of Public Comment, Proposed Amendments to 603 CMR 7.00, Educator Licensure and Preparation Program Approval Regulations

3. Notice of Public Comment and Public Hearing regarding Proposed Amendments to 603 CMR 28.00, Special Education Regulations

4. Schedule for Release of November 2004 MCAS Test Results


Please accept my best wishes for a safe, productive and healthy New Year full of optimism for continuing progress for all students.

Sincerely,

David P. Driscoll
Commissioner of Education

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The Commonwealth of Massachusetts

Department of Education

350 Main Street, Malden, Massachusetts 02148-5023

Telephone: (781) 338-3000
Facsimile: (781) 338-6565
TTY: N.E.T. Relay 1-800-439-2370
Website - <http://www.doe.mass.edu>

MEMORANDUM

TO: City Auditor/City Comptroller
Town Managers
Presidents/Directors of Non-Profit Service Agencies
School District Superintendents
Charter School Leaders

FROM: David A. LeBlanc, Director
Audit and Compliance Unit

DATE: December 20, 2004

RE: Reminder – Submission of **Fiscal Year 2004** Annual Audit Reports to the Massachusetts Department of Education

The Massachusetts Department of Education's records indicates that your entity received funds from this Department during Fiscal Year 2004. If you received \$50,000 or more from the Department you are required to forward to us a copy of your Annual Audit Report. This audit report will be in one of two formats.

I. Entities Expending \$500,000 or more in Federal Pass-Through Funds

The Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156, requires that any organization which **expends \$500,000 or more in federal funds from all sources** must have an audit conducted in accordance with the statute. This memorandum is a reminder that OMB Circular A-133, §__320(e)(1) requires a copy of the audit to be sent to each pass-through agency that provided federal funds **when the schedule of findings and questioned costs disclosed audit findings** relative to those funds. *[If the audit has no current or prior year findings or questioned costs relating to the federal awards provided by the pass-through agency, recipients may provide a written notification in lieu of sending the entire report. However, in addition to the requirement outlined in OMB Circular A-133, §__320(e)(2), we request that you also provide this Department with the name of the independent auditor or audit firm and a statement indicating the type of opinion the auditor issued on the financial statement (i.e., unqualified, qualified, adverse, or disclaimer of opinion. If the opinion is other than unqualified, please state the reason for the qualification and whether any DOE funds were directly affected].*

The Fiscal Year 2004 Audit Reports must be submitted within the earlier of thirty (30) days after receipt of the auditor(s) report(s), or nine (9) months after the end of the fiscal year⁽¹⁾.

The Single Audit reporting package⁽²⁾ must include the following:

- Financial statements and schedule of expenditures of federal awards,
- A summary schedule of prior audit findings,

(1) OMB Circular A-133, §__320(a)

(2) OMB Circular A-133, §__320(c)

Auditor(s) report(s) which include the following:

- a. An Opinion On The Financial Statements And On The Supplementary Schedule Of Expenditures Of Federal Awards,
- b. A Report On Compliance And On Internal Control Over Financial Reporting Based On An Audit Of Financial Statements Performed In Accordance With *Government Auditing Standards*,
- c. Internal Control Over Compliance In Accordance With Circular A-133, And
- d. A Schedule Of Findings And Questioned Costs.

A Corrective Action Plan, and

If applicable, a Management Letter.

One copy of the reporting package or, the notification letter, should be forwarded to:

Commonwealth of Massachusetts
Department of Education
Audit and Compliance Unit
350 Main Street
Malden, MA 02148-5023

Attention: Mr. Dante L. Zamora, Auditor IV

The copy of the Single Audit report to be sent to the Department should be stamped with the date the audit report was received by the recipient from the independent auditor(s).

For those agencies that do not submit such an audit by the specified date, the Department is required to impose sanctions⁽³⁾ as outlined in the statute. Such sanctions may include, but are not limited to, withholding a percentage of federal awards, withholding or disallowing overhead costs, suspending federal awards, or terminating the federal awards until the audit is received by the Department.

Please note that an extension⁽⁴⁾ to the nine (9) months submission deadline may be allowed if a request is made in advance to the designated federal cognizant or oversight agency for audit. The Massachusetts Department of Education is a pass-through entity, is neither a cognizant nor an oversight agency, and therefore **cannot** provide approval for an extension.

II. Other Fund Recipients

If your entity received funding from this Department of \$50,000 or more from state and/or federal sources during Fiscal Year 2004, and are not required to complete a Single Audit as described above, **you are required** to send a copy of your annual financial audit to the above address.

Again, this memorandum is a reminder as to Federal and State reporting requirements for those entities funded by the Department. Thank you for your attention to this matter. If you have any question concerning the above you may contact me at (781) 338-6485 or Mr. Zamora at (781) 338-6513.

(3) OMB Circular A-133, § 225

(4) OMB Circular A-133, § 300(e)



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Education Laws and Regulations

Notice of Public Comment for Proposed Amendments to 603 CMR 7.00

Pursuant to its authority under M.G.L. c. 69, § 1B and c. 71, § 38G, and in accordance with the Administrative Procedure Act, M.G. L. c. 30A, § 3 the Massachusetts Board of Education is soliciting public comment on [proposed amendments to 603 CMR 7.00, Regulations for](#)

[Educator Licensure and Preparation Program Approval](#) 

The proposed amendments will streamline, clarify, and strengthen the licensure regulations particularly regarding the professional license, professional support licenses, adding licenses, program approval, and routes to an initial license.

Copies of the [proposed amendments](#)  and a [comment form](#)  |  are available on the Department's web site or by calling 781-338-3262 or 3235. Written comments on the proposed amendments may be submitted by mail to Educator Preparation and Quality, Massachusetts Department of Education, 350 Main Street, Malden, MA 01248; by e-mail to 2004LicensureRevisions@doe.mass.edu; or by fax to 781-338-3318. The deadline for submission of public comment is **Friday, February 18, 2005**. The Board is expected to vote on the proposed amendments at its regular monthly meeting scheduled for March 22, 2005.

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Education Laws and Regulations

Notice of Public Comment and Public Hearings for Proposed Amendments to 603 CMR 28.00


Pursuant to its authority under M.G.L. c. 69, §1B, and c. 71B, and in accordance with the Administrative Procedure Act, M.G.L. c. 30A, §3, the Massachusetts Board of Education is soliciting public comment on [proposed amendments to the Special Education](#)

[Regulations, 603 CMR 28.00](#) . These amended regulations would replace the current state special education regulations.

The majority of the proposed changes are technical in nature, and are intended to ensure consistency of language and format throughout the regulations. Others are more substantive. They reflect the guiding principles of strengthening education practice and procedure, and closing the gaps in responsibility for a student's educational program that exist under current regulations.

The Board of Education has expressed an interest in receiving public comment on the proposed changes to the Special Education Regulations as they affect students with disabilities, parents and schools, and is inviting comment specifically on the following proposals:

1. The proposed new definition of "placement" at 603 CMR 28.02(17);
2. The proposed language in 603 CMR 28.08(7)(a) and (b) regarding the student's right to IEP services and placement (also known as "stay put").

Copies of the [proposed regulations](#)  are available on the Department's website, or by calling the Special Education Planning and Policy Development Office at (781) 338-3375. Written comments on the proposed amendments may be submitted via e-mail to: spedregscomment@doe.mass.edu, or by mail to: Special Education Regulations, Department of Education, 350 Main Street, Malden, MA 02148.

The deadline for submission of public comment is Tuesday, March 1, 2005. The Board is expected to take a final vote on the proposed amendments at its regular monthly meeting scheduled for April 26, 2005.

In addition: Two public hearings are scheduled**

- Monday, February 7, 2005, 3:00 PM - 6:00 PM, at the [Meline Kasparian Professional Development Center](#), 60 Alton Street, Springfield Public Schools, Springfield, MA 01102.
- Monday, February 14, 2005, 3:00 PM - 6:00 PM, at the [Department of Education](#), 350 Main Street, 3rd Floor Conference Rooms A and B, Malden, MA 02148.

** If school is cancelled on the day of the public hearing in the community where the hearing is scheduled, the public hearing will be cancelled also. The Department will make every effort to reschedule during the public comment period if this occurs. Additionally, any commenter wishing for an interpreter or other public accommodation must request such accommodation at least two weeks before the hearing date. The Department will

make every effort to provide accommodations. To request the services of an interpreter or other disability-related accommodations to assist in public comment, please contact Pamela Sweeney at (781) 338-3302, or via e-mail at psweeney@doe.mass.edu.

[Overview of the Proposed Revisions to the State Special Education Regulations](#)

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Education Laws and Regulations

Overview

Proposed Revisions to the State Special Education Regulations

At its December 21, 2004 meeting, the Board of Education reviewed proposed changes to the Massachusetts Special Education Regulations (603 CMR 28.00), and authorized the Department to release the proposed changes for public comment. The following overview is provided to assist you in reviewing the proposed changes.

Format

The Special Education Regulations are codified at 603 CMR [Code of Mass. Regulations] 28.00. While this has always been their official designation, they are sometimes referred to as the "Chapter 766 Regulations," since the Massachusetts special education law was originally enacted as Chapter 766 of the Acts of 1972.

Content Related to the Federal Special Education Law (IDEA-97)

We have reviewed the federal Individuals with Disabilities Education Act (IDEA) recently reauthorized, and have included necessary changes in the proposed Massachusetts regulations. The federal law is also fully incorporated into 603 CMR 28.00 by reference.

Guiding Principles

The Department revised the special education regulations significantly in fiscal year 2000. Now, they are due for a review. With the benefit of our experience over the last four years and the feedback we have received from parents, schools and others, the Department has identified several areas in need of improvement. Many of the proposed changes are primarily technical in nature. That is, they are intended to provide consistency of format, structure, citation and language in order to accurately reflect current practice. Other changes are more substantive. The principles behind each change are to strengthen special education practice and procedure, and to ensure that there are no gaps in responsibility for a student's educational program. The following areas of priority are addressed in the proposed changes to the regulations:

- *Consistency with Federal Law:* The proposed regulations remove all specific citations to federal special education law because the IDEA is fully incorporated in state regulations. Also, the proposed regulations reflect changes required under the reauthorized IDEA, including new requirements related to students moving to Massachusetts from other states, the removal of the term "objectives" from the required content of the IEP, and the inclusion of foster parents as individuals who may be considered "parents" under special education law. Because the IDEA is incorporated by reference in our state regulations, very few of the proposed changes are related to the recent reauthorization of the IDEA.
- *Clarity:* Many proposed changes are intended to ensure the consistency of meaning and format throughout the regulations. Such proposed changes include using consistent

terminology and citation, aligning verb tenses, altering format of sentences or paragraphs, and aligning definitions with federal law where appropriate.

- *Improvement of Practice and Procedure*: In addition to proposed changes to structure and format, the Department proposes substantive changes to the regulations to address specific areas of concern identified by schools, parents, advocates and others since the regulations were revised in 2000. These changes are intended to better define the regulations' intent and purpose, to streamline procedures to reduce unnecessary paperwork for districts and families, and to improve generally the practice and procedures of special education. The Department has reviewed all proposed changes to ensure that their effect will be to improve district capacity or practice, and improve services to students with disabilities.
- *Stability and Responsibility*: Other areas of change are focussed on increasing the stability of students' programs. These changes will help to ensure that every student has a school district that is responsible for his or her special educational program, regardless of the student's circumstances. For example, one area of significant proposed change is in the area of assignment of school district responsibility. Increasingly, parents, districts, and agencies report to the Department that changes to family structure and residence, changes in the legal definitions of custody, and changes in the McKinney-Vento Homeless Assistance Act result in confusion and "gaps" in responsibility for a student's educational program. New Section 28.10, Assignment of School District Responsibility (included in Section 28.03 of the current regulations), addresses these circumstances.

Proposed changes to each section are summarized below.

Section-By-Section Overview of Proposed Changes

Section 28.01: Authority, Scope and Purpose -- No changes are proposed in this section.

Section 28.02: Definitions

- 28.02(1) and (2) are revised to show parallel structure in the definitions of "approved private special education school" and "approved public special education school," and to emphasize that placements in such schools are out-of-district placements.
- Throughout the regulations the term "school" replaces the term "program" when the term refers to the school providing services to the student. The term "program" refers to an individual student's program or to an in-district program.
- 28.02(3), the definition of the term "consent," is revised to reflect the current practice that "at least one" parent must agree for the school district to consider that consent has been received.
- 28.02(6) adds language to the definitions of specific disabilities to clarify the necessary connection between the disability and its impact on the student's educational progress.
- 28.02(8) is new; it defines "Education collaborative" and clarifies that an education collaborative may provide in-district services and may also run out-of-district schools.
- 28.02(13) changes the term "*Certified* special educator" to "*Licensed* special educator" to be consistent with the Regulations for Educator Licensure.
- 28.02(16) revises the definition of "Parent," and states that foster parents may be considered parents for the purposes of special education law, as required under the *reauthorized IDEA*.
- Current 28.02(16) and (20), "Parent's school district" and "Resident school district," are deleted; use of those terms was limited to LEA assignment and is therefore unnecessary with the changes made within proposed Section 28.10.
- 28.02(17) is *new*; it defines "Placement" in a manner consistent with the U.S. Office of Special Education Programs in guidance and consistent with the courts in case law.
- 28.02(18) is *new*; it defines "publicly funded student" to refer to a student whose IEP services and special education placement are funded by a public school district.
- 28.02(20) is *new*; it defines "Registered Educational Interpreter" and will allow the state to identify educational interpreters employed in Massachusetts' schools for the purpose of improving the state's ability to maintain and foster highly skilled educational interpreters for use by students who are deaf or hard of hearing.
- 28.02(21) reorganizes the definition of "Special education," and incorporates in it the current definition of "related services" to be consistent with state and federal law.

- 28.02(22) is *new*; it defines "state agency" to mean a Massachusetts state agency, because state regulations have no authority over agencies in other jurisdictions.

Section 28.03: School District Administration and Personnel

- 28.03(1)(a)(4) moves the required parent training to this section on district responsibility, rather than maintaining it as a responsibility of the parent advisory council under section 28.07(4) of the current regulations.
- 28.03(1)(a)(5) and (6) are *new*; they clarify the district's responsibility to have sufficient trained personnel to meet student needs and incorporate the requirement to have registered educational interpreters (newly defined at 28.02(20)), and ensure that services are available to students for whom the district is responsible. The latter requirement will ensure continuity of services for vulnerable groups of students.
- 28.03(1)(b)(4)(iii) adds *new* language to allow a district to seek approval for separate siting of a special education classroom as long as the district can demonstrate an overriding educational purpose for separate siting.
- 28.03(1)(c)(2) is required by the *reauthorized IDEA*; it modifies the requirement to serve a student who is moving to Massachusetts from another state by requiring that the Massachusetts district provide the student with comparable IEP services until the new district determines if a new evaluation is necessary.
- 28.03(1)(e)(3) deletes the reference to federal spending requirements because Massachusetts provides an individual entitlement to services for private school children with special needs; this is a higher standard than in federal law.
- The sections relating to assignment of school district responsibility have been moved from 28.03 to new section 28.10.

Section 28.04: Referral and Evaluation

- 28.04(1) now distinguishes between requirements for initial evaluation and other evaluations.
- 28.04(1)(d) is *new*; it clarifies district action in relation to a request for an evaluation in an area not previously assessed by the school district.
- 28.02(2)(a)(1) and (2) are revised; they emphasize that evaluations shall be individually tailored to address the areas of a student's suspected disability and to allow for a careful evaluation of factors related to making a finding of ineligibility.
- 28.04(2)(b)(3) changes the term "home assessment" to "parent interview."
- 28.04(5) is revised to describe more clearly the right to an Independent Education Evaluation when the parent disagrees with the results of a district's evaluation.

Section 28.05: The Team Process and Development of the IEP

- 28.05(1), 28.05(7) and 28.05(7)(c) are revised to clarify that parents are entitled to a copy of the proposed IEP and proposed placement, as well as the final signed IEP and placement at no cost.
- 28.05(2)(b)(1) and 28.05(3) are revised as required by the *reauthorized IDEA*; these sections delete the word "objectives" in reference to the IEP.
- 28.05(2)(b)(2) is revised; it clarifies that the use of an extended evaluation is only available once eligibility has been determined.
- 28.05(3)(d) is *new*; it emphasizes that the district is required to invite a representative of a student's next school to participate on the Team when the district knows that the IEP will be delivered in a school other than the current school.
- 28.05(4) is revised to underscore that the purpose of the IEP is to address the adverse affects of the disability on the student's ability to make effective educational progress.
- 28.05(4)(d)(2) is *new*; it clarifies that districts may identify extended day or year programs to prevent escalation of service needs and to maintain the student in the least restrictive environment.
- 28.05(7)(b) is *new* and reiterates requirements similar to current 28.07(1)(c); it requires the district to seek parental response and document its efforts to do so, if the parent has not responded within 30 days to a proposed IEP and proposed placement.

Section 28.06: Placement and Service Options

- Sentences are restructured throughout 28.06 to ensure consistency of language, to update references and structure, and to distinguish the terms "program" and "school."
- 28.06(3)(e)(7) is *new*; it requires certain unapproved schools serving a specific number or percentage of publicly funded students to seek approval from the Department, and to allow access to and cooperation with sending districts and the Department. Changes to subsection (d) also ensure that students in unapproved schools are provided with the full protections of applicable laws.
- 28.06(7) is revised to allow a district to request a waiver for group size or age span for programs for young children.

Section 28.07: Parent Involvement

- 28.07(1)(a)(2) is revised; it requires that revocation of consent be made in writing.
- 28.07(1)(3) adds a *new* provision; it requires districts to provide written descriptions of programs they propose to develop but that are not yet created.
- The reference to annual training for parents in 28.07(4) has been moved to 28.03.
- 28.07(6) is revised; it clarifies the terms for reimbursing parents for transportation they provide.
- 28.07(8)(c) adds a *new* provision; it requires the school district to document its efforts for communicating with parents or children unable to read in any language or who are blind or deaf.

Section 28.08: Continuum of Options for Dispute Resolution

- 28.08(2) contains *new* language emphasizing the federal requirement that a finding of the Department's Problem Resolution System may not overturn a decision of a Team.
- 28.08(3)(d) is *new*; it introduces the new process that can be used for appealing school district assignment that is defined in new section 28.10.
- 28.08(4)(a) is revised to make clear that a hearing can be requested at any time, regardless of the parties' participation in mediation.
- 28.08(6)(c) is *new*; it emphasizes the federal requirement that decisions by the BSEA have precedence over findings made as part of the Problem Resolution System.
- 28.08(7)(a) is revised to clarify that the right to remain in a placement or to continue to receive IEP services when there is a dispute (called "stay-put") applies when a party seeks resolution of a dispute through mediation or hearing. Subsection (b) is *new*; it provides the circumstances under which a school district may cease providing services or placement when parties are not engaged in resolving the dispute.
- The proposed 28.08(7)(d) is *new* and requires a district to provide a 60 day notice when it is no longer providing "stay put" rights to a service or placement. That time period allows a parent to open up the discussion with the district to resolve the dispute.
- Current 28.08(7)(d) is deleted; it is redundant and unnecessary.

Section 28.09: Approval of Public and Private Day and Residential Special Education Schools

- Proposed changes throughout this section reflect the distinction between "program" and "school."
- 28.09(2) is revised to refer to the proposed requirement under 28.06 that an unapproved school seek approval when serving a certain number or percentage of publicly funded students.
- 28.09(2)(a)(3) is *new*; it requires a residential school accepting referrals from state agencies to develop a "cost-share rate." The intent is to assist in paperwork reduction for schools and appropriate budgeting for cost-share situations, while not requiring residential schools to develop a day school component.
- 28.09(4)(c) is *new*; it authorizes the Department to place a school on probationary status and to close intake if the school fails to meet conditions of approval.
- 28.09(6)(c) is revised; it expands and clarifies the current requirement that approved schools notify the Department prior to any substantial change affecting education or

service delivery.

- 28.09(12)(a) is revised; it requires private schools to report to the Department when a staff member is dismissed for reasons that may result in revocation of licensure, similar to the reporting requirement for public school administrators under 603 CMR 7.14(8).
- 28.09(13) is revised to clarify that the notification and reporting requirements for serious incidents include incidents that are likely to result in enrollment termination proceedings.

Section 28.10: Assignment of School District Responsibility

- 28.10 replaces current Section 28.03(4). New language is underscored. Changes that are the result of formatting this new section are not marked as "new language."
- Throughout 28.10, the Department proposes that the procedures of the circuit breaker program (603 CMR 10.07) be used to calculate the excess costs of special education services, including transportation costs, whenever one district may bill another for services provided.
- 28.10(1)(c) is *new*; it clarifies that LEA assignment under this section applies only to assignment of responsibility for activities or services covered by the special education law.
- 28.10(1)(d) is *new*; it emphasizes that school districts may not cease responsibility until a new district is required to assume responsibility for a student.
- 28.10(2)(a)(1) is revised; it exempts vacation periods from consideration of the residence of the student. This change, in concert with the removal of the current regulation requiring sharing costs when parents are divorced and living in different communities, will ensure that simple visitation rights of a divorced parent do not result in split financial responsibility between districts if the child lives and receives services in a single district, even though parents share legal custody of the child. This proposal represents a change in departmental practice and is intended to provide more consistency by maintaining responsibility as much as possible with a single district.
- 28.10(3) is revised; it deletes reference to the assignment of responsibility to the parent's district when a student is in the hospital, the effect of this removal is that the community that was responsible before the student entered the hospital remains responsible. This change is proposed because reassignment when a student's hospitalization is temporary frequently results in a gap in the student's services while assignment is being determined. This proposal represents a change in departmental practice.
- 28.10(4) and (6) delete the term "program schools;" this section refers to "charter, vocational, Metco or choice schools."
- 28.10(5) is *new*; it addresses the impact of the McKinney-Vento Homeless Assistance Act on assignment of responsibility. Subsection (b) proposes assigning responsibility to the district where a homeless student temporarily resides if the parent chooses to enroll the student. This proposal formalizes what has been departmental guidance.
- 28.10(6)(a)(2) is revised; it clarifies the continued responsibility of the charter, vocational or Metco school to provide in-district services if such services are available in the school district where the student resides. This change is necessary to support the student's right to services in the least restrictive environment.
- 28.10(7) is *new*; it describes the Department's authority to make temporary assignment of district responsibility when the student's services are at risk or are not being provided. This proposal represents a change in departmental practice.
- 28.10(8) is revised; it describes the Department's procedures for making an assignment in disputed circumstances.
- 28.10(8)(a)(3) and (5) are *new*; the proposals identify limited guardianships or hospitalization of students when the student is in the custody of a state agency as circumstances when a request may be made to the Department for assignment.
- 28.10(8)(c) is revised; it identifies the criteria the Department uses when making assignments. Several criteria are *new*, including in subsection (2) circumstances relating to guardianships obtained by state agencies, in subsection (4) criteria for determining when a student's guardian is limited in authority and not acting as a parent and therefore guardianship is not a proper basis for assignment; in subsection (5) new language maintains continuity by providing that whichever community was responsible before a student went into DSS custody shall remain responsible when a student goes into the care or custody of a state agency; and in subsection (8) assignment of responsibility by the Department is made based on "reasonable ties to the student" when neither the student's father nor mother has ever lived in Massachusetts. These proposals

represent changes in departmental practice.

- 28.10(9) is *new*; it formalizes a specific appeals process for LEA assignment under the jurisdiction of the Bureau of Special Education Appeals. This proposal represents a change in appeals process.

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January 2005						
S	M	T	W	T	F	S
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

NEWS SEARCH

Keyword:

Target:

Dates:

Past 30 days

Past 90 days

Date Range

Start:

End:

Wednesday, January 05, 2005

Schedule for Release of MCAS November 2004 Retest Results

To: Superintendents, Principals and Directors of Charter Schools, Educational Collaboratives, Approved Special Education Private Schools, and Institutional Schools

From: David P. Driscoll, Commissioner of Education

Date: January 5, 2005

I am writing to notify you of the schedule for reporting results from the November 2004 MCAS Retest. To assist you and your staff in planning, data files will be posted to the Security Portal by January 18. An updated version of TestWiz will be available at that time to assist in importing these data files and creating reports. Also on or around January 18, superintendents will receive their package of paper reports.

Information about reporting discrepancies will be included with your district's report package.

Questions may be directed to the Student Assessment Services Unit at (781) 338-3625 or via e-mail at mcas@doe.mass.edu.

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