



***MASSACHUSETTS DEPARTMENT OF EDUCATION  
STUDENTS WITH DISABILITIES ANNUAL REPORT:  
2006-2007***

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Chapter 159 Acts of 2000 Outside Section 432  
November, 2007



This document was prepared by the  
Massachusetts Department of Education  
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Acting Commissioner of Education

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Acting Commissioner of Education

# The Commonwealth of Massachusetts Department of Education

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November 2007

Dear Members of the General Court:

Pursuant to Chapter 159 of the Acts of 2000, Section 432 I respectfully submit this *Massachusetts Department of Education Students with Disabilities Annual Report* in accordance with the following:

*“Section 432. The Department of Education shall annually, on or before November 1, report to the General Court on the implementation of the provisions of this act. Such report shall include a description of the progress made by school districts in implementing the federal standard, cost increases or savings in cities or town, the degree of success in providing students with special services within the districts or commonwealth, the extent of the development of educational collaboratives to provide necessary services, the increase or decrease of the number of children served, federal non-compliance issues and other such matters as said Department deems appropriate. Such report shall be filed with the clerks of the House of Representatives and the Senate who shall forward the same to the Joint Committee on Education, Arts and Humanities and the House and Senate Committees on Ways and Means...”*

Massachusetts, as a whole, is doing quite well in student achievement. You will note in this report that our students with disabilities are improving with the implementation of IEPS and use of MCAS supports, additional training for our special education teachers and support personnel, and continuous and expanded funding of the special education “Circuit Breaker” line item in the state budget. We continue to strive for all students to meet proficiency by 2014 as required by No Child Left Behind.

The first portion of this report addresses the Massachusetts State Performance Plan which has been prepared by the Department with the input of educators, administrators, advocates and other interested parties to set goals and measure our NCLB progress on 20 federally specified indicators. It is a tool to meet our state goals of closing the achievement gap and getting all students to proficiency and beyond. Selected statistics are also included for your information on gender analysis, related services, disability and placement analysis. A discussion of MCAS results includes recognition of progress and the need to continue to focus on this subgroup.

I want to thank you for the support of the Circuit Breaker funding you have provided to share the high and increasing costs associated with the educational and related service needs. You will note that school districts, collaboratives and higher education are teaming to improve services and reduce costs. This cooperation and approach is one the Department continues to foster.

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

Sincerely,

Jeffrey Nellhaus  
Acting Commissioner of Education

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## **I. INTRODUCTION**

This report covers the period from December 2006 to November of 2007 and reflects the requirements of the annual report as stated in Chapter 159 of the Acts of 2000 section 432 (the Fiscal Year 2001 budget):

*“ Section 432. The Department of Education shall annually, on or before November 1, report to the General Court on the implementation of the provisions of this act. Such report shall include a description of the progress made by school districts in implementing the federal standard, cost increases or savings in cities or towns, the degree of success in providing students with special services within the district or commonwealth, the extent of the development of educational collaboratives to provide necessary services, the increase or decrease of the number of children served, federal non-compliance issues and other such matters as said Department deems appropriate. Such report shall be filed with the clerks of the House of Representatives and the Senate who shall forward the same to the Joint Committee on Education, Arts and Humanities and the House and Senate Committees on Ways and Means...”*

Massachusetts’ significant special education activity during this period of time has been focused on activities related to the federally required State Performance Plan, profiled in Section II of this report. Other sections provide information on special education data including general statistics, gender analysis, related services information, disability and placement analysis; an overview of the 2007 MCAS results for students in grades 3-8 and 10; finances including special education expenditures, the “circuit breaker” program and municipal Medicaid; the supporting role of educational collaboratives; and state and federal standards and compliance. The Department is engaged along with its partners, such as other state agencies or constituent groups, in much of the ongoing work in special education.

The report also reflects throughout on the activities of educational collaboratives and comments on important policy initiatives in process.

## **II. MASSACHUSETTS STATE PERFORMANCE PLAN and SELECTED ACTIVITIES**

A focus of 2006-2007 and early 2007-2008 continues to be the implementation of the Massachusetts State Performance Plan (MA SPP), developed in response to federal requirements. The MA SPP is a six-year plan that responds directly to 20 indicators identified by the federal Office of Special Education Programs (OSEP). All states in the nation are responding to these same 20 indicators and are sharing information and best practices.

The Department continues to engage in a variety of activities to obtain broad input from stakeholders on the development of the MA SPP and to solicit input and feedback through a variety of methods. Persons interested in participating in discussions for one or more of the Indicator areas are encouraged to contact the Special Education Planning and Policy Development Office of the Department of Education to join an interest group.

A major activity this year has been to develop a mechanism for the Department to respond to the 2004 IDEA requirement that district indicator data be publicly reported. Indicator interest groups were invited to comment on the form and information used to meet this requirement. A new page, ‘Spec. Ed. Results’ has been added to each district’s profile ([School and District Profiles](#)).

Thematic maps have been developed for some of the indicators and will be developed for more as Massachusetts continues its implementation of activities for the SPP. This web page new feature allows users to visually compare how districts are performing on their SPP targets for special education.

The entire SPP can be found at <http://www.doe.mass.edu/sped/spp/> and provides information on the breadth of the 20 Indicators on which the Department will be reporting detailed data each year. Following are some selected areas of activity:

- ◆ **Indicator #1 - Graduation Rate** (<http://www.doe.mass.edu/sped/spp/full.doc#i1>): The Department released the first set of graduation rates for the 2006 cohort in the winter of 2007. Reporting graduation rates is required by the federal No Child Left Behind Act (NCLB) and by a National Governors Association compact that Massachusetts has signed. Based on data from the Student Information Management System (SIMS), the 2006 graduation rate for students with disabilities was 61.1 percent. The overall graduation rate for all students (including those with disabilities) in that same cohort was 79.9 percent. Further information on statewide and district-level graduation rates is available at: <http://www.doe.mass.edu/infoservices/reports/gradrates/>.
- ◆ **Indicator #13: Secondary Transition** (<http://www.doe.mass.edu/sped/spp/full.doc#i13>): The data results from approximately one-quarter of Massachusetts' districts indicate that of the 1,901 student records reviewed, 83.8 percent include transition planning that includes coordinated annual goals and transition services that will enable the student to meet his/her post-secondary goals in the identified areas.

Although this is a high percentage, this indicator area is considered a compliance area and requires 100 percent compliance. Following this first data collection, the Department has elected to mandate the use of the Massachusetts Transition Planning Chart as part of the transition planning process and as a means of improving compliance. Data from the second cohort of districts (76 districts) indicate that 2025 of 2050 student records or 98.78 percent were in compliance. This improvement is expected to continue and is considered a high level of compliance indicating systemic compliance for Massachusetts in this area.

Other selected activities of the Department include significant focus on personnel development. The Project FOCUS Academy (PFA)/State Improvement Grant (SIG) is presently in its final year of three and has developed and provided professional development coursework at the high school level in several key areas. A more detailed description of PFA Grant can be found at <http://www.doe.mass.edu/sped/projectfocus>.

Building on the successes of the PFA/SIG, the Massachusetts Department of Education (MASSDE), in partnership with the Federation for Children with Special Needs (FCSN), the University of Massachusetts/Institute of Community Inclusion (UMass-Boston/ICI), and the Department of Public Health/Early Intervention (DPH/EI) applied for and was awarded a five year State Personnel Development Grant to develop a statewide on-line professional development system that is accessible to all educators in the Commonwealth. This grant brings more than \$5 million dollars to Massachusetts to enhance professional development in the area of special education.

The Department, in partnership with school districts, educational collaboratives, institutions of higher education, and professional associations, continues to offer Professional Development Institutes (<http://www.doe.mass.edu/frameworks/cinstitute/07/brochure.doc>) and Special Education Summer Institutes (<http://www.doe.mass.edu/sped/2007/institutes.doc>). These offerings were developed to provide free graduate-level institutes designed to increase the content and pedagogical knowledge of Massachusetts’s educators. Additionally, there were approximately 400 educators who participated in summer workshops focusing on writing and using effective IEP measurable annual goals and objectives, as well as creating effective transition plans for older youth who are transitioning from school to adult life.

### **III. STATEWIDE SPECIAL EDUCATION DATA**

This section provides an analysis of state statistics for students with disabilities related to race/ethnicity, gender, limited English proficient, low income, grade level, disability analysis, and placement/environments.

#### **A. General Statistics**

*Table 1* shows changes in the overall count and percent of students found eligible for special education in the last 10 years. Note that the trend over the past few years shows a steady rise in the overall percentage of students with disabilities in Massachusetts. Several factors were investigated in consideration of this trend, but no specific reason for a difference from year to year was apparent.

Table 1: Count and Percent of Students with Disabilities: 1997-2007			
School Year	Total Special Education Enrollment	Total Enrollment	Percent Special Education
1997-98	159,042	956,851	16.62%
1998-99	164,925	970,491	16.99%
1999-00	162,454	978,619	16.60%
2000-01	160,369	986,017	16.26%
2001-02	150,003	980,342	15.30%
2002-03	150,551	993,463	15.15%
2003-04	154,391	991,478	15.57%
2004-05	157,108	986,662	15.92%
2005-06	160,752	983,439	16.35%
2006-07	163,396	979,851	16.68%

#### **B. Selected Statistics**

##### *Limited English Proficiency and Low Income*

Over the past four years, the numbers and percentages of limited English proficient students with disabilities and the number of students with disabilities in the low-income category have been rising at rates that have shown no significant difference from the overall trend for all students.

##### *Race/Ethnicity*

Although the percentages of students with disabilities from some minority groups (such as African American or Hispanic) may be higher in more urbanized areas than in less urban areas,

this trend mirrors the overall trend in terms of demographic constitution and is not unique to the population of students with disabilities.

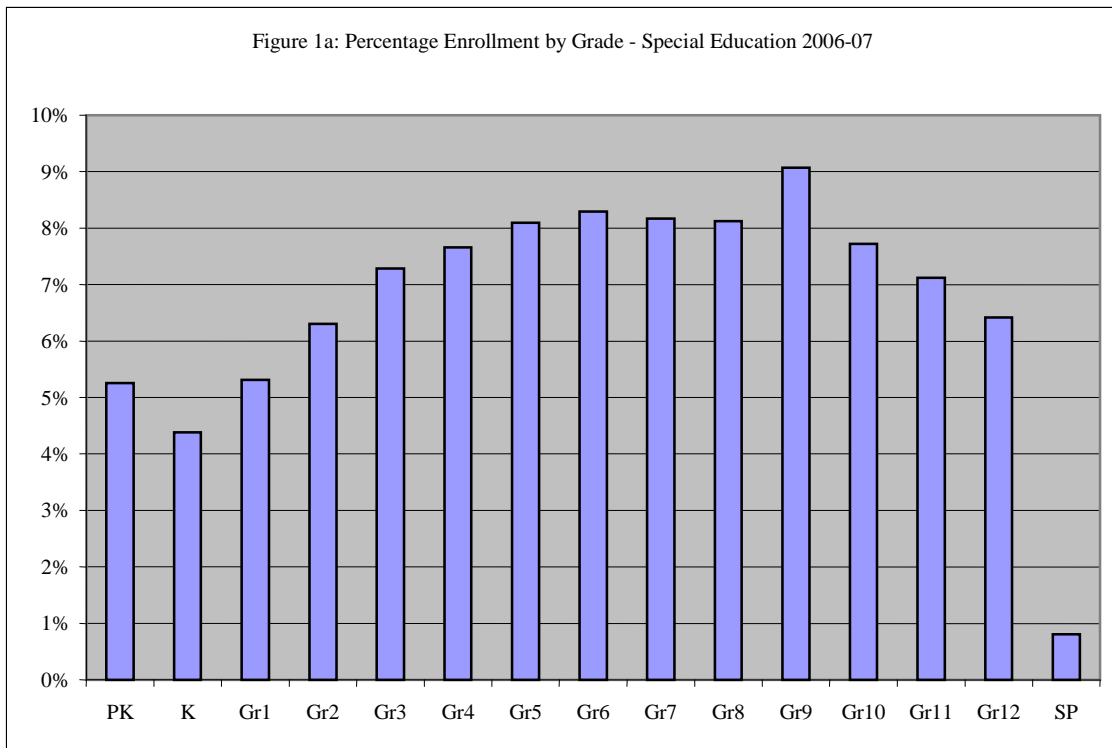
Review of disproportionate representation data is now included as part of the State Performance Plan activities. For more information, please refer to the SPP section on “Disproportionality” (Indicators 9 and 10) on the Department website: <http://www.doe.mass.edu/sped/spp/>

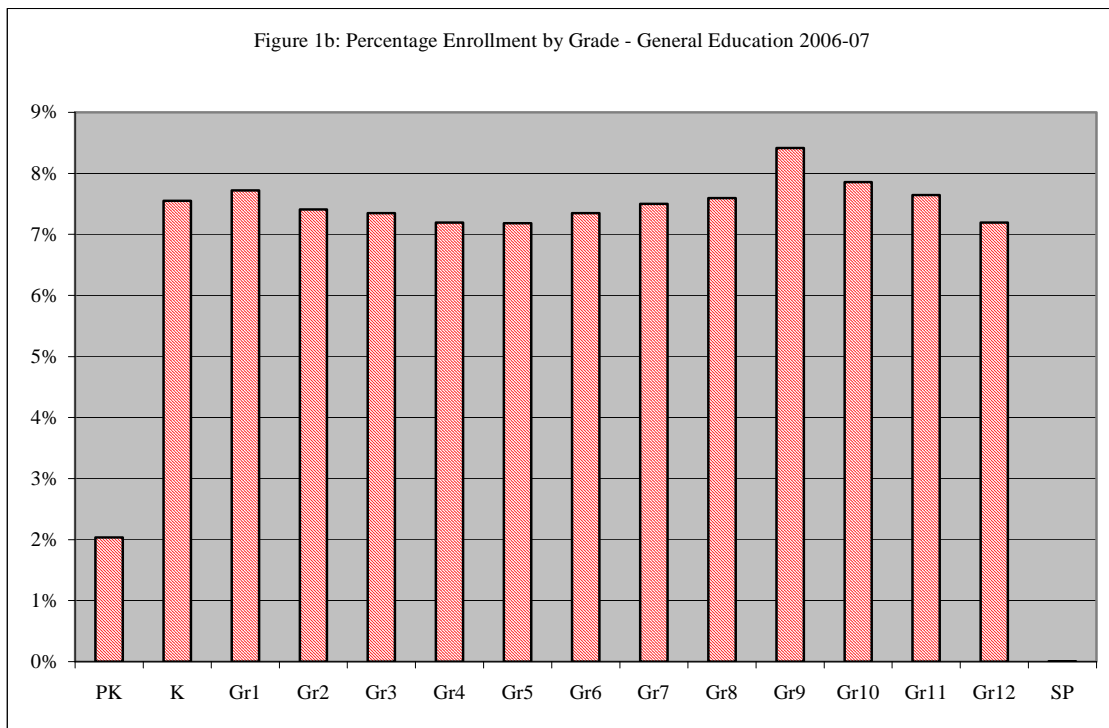
### *Gender*

The total enrollment rate of males to females is close to 1:1 with there being slightly more males enrolled than females. Rates of enrollment for males and females in receiving special education services have remained consistent over the past three years, and mirror national figures.

### *Grade Level*

The trend of enrollment by grade is the area in which there is the greatest discrepancy between students receiving special education services and those who do not. For both groups, preschool enrollment has been rising over the past three years. Looking specifically at the population of students with disabilities (*Figure 1a*), enrollment percentages for students with disabilities decrease in kindergarten but then continue to rise through grade 5 to grade 8 where the percentages remain somewhat steady. In grade 9, the enrollment for students with disabilities peaks suddenly. The percentages then decrease from grade 10 through the rest of the grade levels.



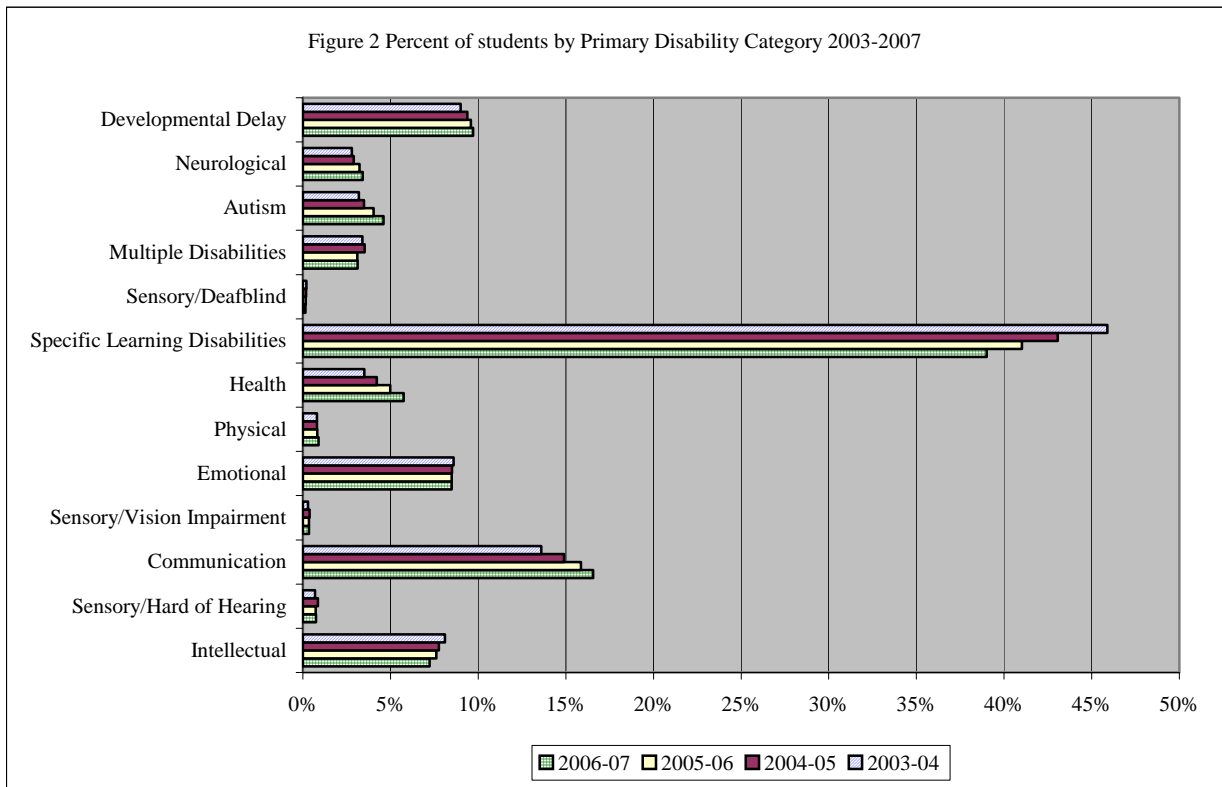


For the general education population (*Figure 1b*), enrollment percentages by grade appear to remain steady after PK and peak at grade 9. After that the enrollment percentages seem to steadily decrease.

*Disability Analysis*

In establishing eligibility, IEP Teams have been required to determine the student’s type of disability since January 2000. *Table 2 and Figure 2* reflect the last three years of this data and are generally consistent with national figures on identification of primary disability for students receiving special education services.

	2003-04	2004-05	2005-06	2006-07
Intellectual	8.10%	7.76%	7.62%	7.22%
Sensory/Hard of Hearing	0.70%	0.86%	0.73%	0.76%
Communication	13.60%	14.90%	15.87%	16.55%
Sensory/Vision Impairment	0.30%	0.38%	0.34%	0.34%
Emotional	8.60%	8.50%	8.48%	8.48%
Physical	0.80%	0.81%	0.83%	0.90%
Health	3.50%	4.22%	4.99%	5.74%
Specific Learning Disabilities	45.90%	43.07%	41.01%	39.01%
Sensory/Deafblind	0.20%	0.19%	0.16%	0.15%
Multiple Disabilities	3.40%	3.52%	3.11%	3.13%
Autism	3.20%	3.48%	4.03%	4.60%
Neurological	2.80%	2.90%	3.23%	3.41%
Developmental Delay	9.00%	9.39%	9.58%	9.71%



The Massachusetts Special Education Steering Committee has identified Specific Learning Disabilities as a critical disability focus area for evaluation in the use of supportive intervention strategies as a means of preventing inappropriate special education identification. The IDEA-2004 also identified increased interest in early instructional support strategies for this purpose. An important trend over the past four years shows that the percentage students with disabilities identified in the Specific Learning Disabilities category has been steadily decreasing.

**IV. MASSACHUSETTS COMPREHENSIVE ASSESSMENT SYSTEM (MCAS)**

**Overview of Spring 2007 MCAS Results**

Mathematics and English Language Arts (ELA) test scores for students with disabilities are on the rise. Students made gains on 13 of 16 MCAS tests. In mathematics, 2007 scores of *Proficient* and *Advanced* rose one to five percentage points above 2006 scores. Science and technology/engineering *Proficient* and *Advanced* scores either stayed the same or declined. See Table 3 below for a summary of gains made by students with disabilities from 2006 to 2007. Additional information on MCAS results can be viewed at <http://www.doe.mass.edu/news/news.asp?id=3668>.

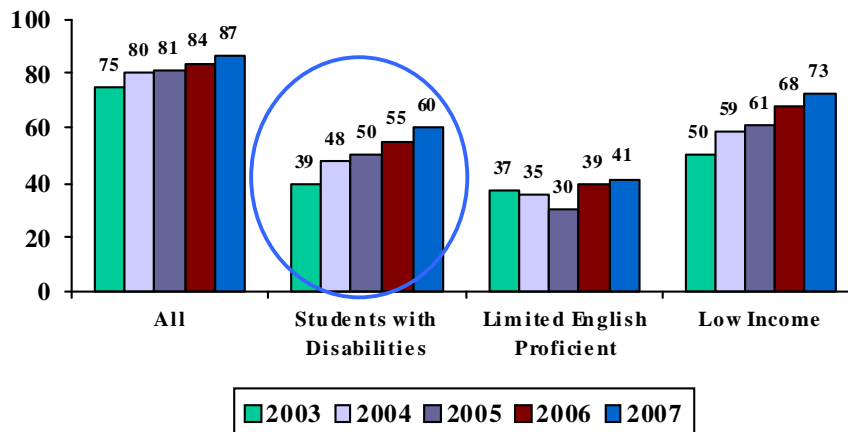
Table 3: Statewide MCAS Results – Students with Disabilities  
Change in Performance, 2006 to 2007

	Percent of Students with Disabilities Scoring Proficient and Advanced								
	English Language Arts			Mathematics			Science & Tech/Eng.		
	2006	2007	Change	2006	2007	Change	2006	2007	Change
Grade 3	28	27	-1	23	28	+5			
Grade 4	16	19	+3	15	17	+2			
Grade 5	24	25	+1	14	17	+3	23	21	-2
Grade 6	26	27	+1	13	16	+3			
Grade 7	25	28	+3	9	12	+3			
Grade 8	35	36	+1	8	10	+2	7	7	N/A
Grade 10	29	30	+2	30	31	+1			

Competency Determination For Students With Disabilities

A Competency Determination is awarded when a student scores at the *Needs Improvement* level or higher on both the Grade 10 ELA and Mathematics tests or alternate assessments. When a student has earned a Competency Determination and has met all local graduation requirements, the student is eligible to receive a Massachusetts high school diploma. Over the past five years, Grade 10 students with disabilities have made steady gains in earning a Competency Determination. Sixty percent of students with disabilities in Grade 10 earned the Competency Determination on their first attempt in spring 2007. This represents an increase of five percentage points over the 2006 number (see Figure 3). In addition, failing scores have decreased when compared with 2006 scores (ELA: 25% to 23%, Mathematics: 38% to 32%).

Figure 3  
2003-2007 MCAS Results  
Percent of Students Earning the Competency Determination on their first attempt as 10th Graders, by Student Status



Eighty percent of students with disabilities in the class of 2007 earned a Competency Determination by the end of Grade 12, an increase of one percentage point over students in the class of 2006. Seventy-four percent of students with disabilities in the class of 2008 have passed both tests after only their second retest.

### Adequate Yearly Progress (AYP)

Massachusetts made AYP in the aggregate for the fifth year in a row in 2007. AYP is determined for districts and for individual schools in both ELA and Mathematics. AYP determinations are based on MCAS results, as well as MCAS participation rates, student attendance, and graduation rates. In 2007, more than half of the schools with a special education subgroup made AYP in both English Language Arts (51.2%, up from 48.6% in 2006) and Mathematics (50.7%, up from 35.1% in 2006). 2007 AYP ratings are available at <http://www.doe.mass.edu/sda/ayp/2007/default.html>.

### National Assessment of Educational Progress (NAEP)

NAEP is a national test of Reading and Mathematics given to a sample of students in each state every two years. Massachusetts's students with disabilities scored first in the nation on three out of four NAEP tests, four to eight score points above all other states. Massachusetts's students scored second in Grade 8 Reading. Since 2005, students with disabilities made the greatest gains on Grade 4 mathematics. A full report on NAEP results for Massachusetts can be found at <http://www.doe.mass.edu/news/news.asp?id=3692>.

## V. FINANCES

### A. Financial Summary

Table 4 shows special education expenditures as reported by public school districts at the end of the year to the Department of Education. Table 4 shows that both the total school-operating budget and direct special education expenditures have increased over the past six years. Direct special education expenditures on in-district instruction increased 41% over that time period (from \$833 million in FY00 to \$1,177 million in FY06), while out-of-district tuition expenditures rose 77% (\$330 million to \$584 million in FY06)). Overall, direct special education expenditures as a percentage of the total school-operating budget have increased 2.2% during this time period (16.9% in FY00 to 19.1% in FY06).

	In-district Instruction		Out-of-district Tuition		E	F	G
	A	B	C	D			
FY	Teaching	Other Instructional	Mass. Public Schools and Collaboratives	Mass Private and Out-of-State Schools	Combined Special Ed Expenditures (A+B+C+D)	Total School Operating Budget	Special Education Percentage of Budget (E as % of F)
2000	700	133	126	204	1,163	6,892	16.90
2001	756	143	140	227	1,265	7,344	17.20
2002	802	146	158	259	1,366	7,851	17.40
2003	847	149	164	282	1,442	8,145	17.70
2004	877	165	182	325	1,549	8,330	18.60
2005	925	180	184	369	1,657	8,770	18.90
2006	989	188	194	390	1,762	9,206	19.10

### B. Circuit Breaker

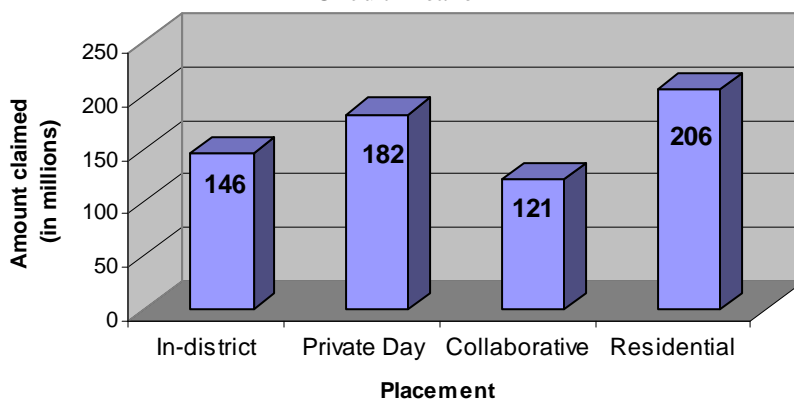
The state "Circuit Breaker" program - a special education reimbursement program enacted by the Legislature [St. 2000 c. 159, § 171] - was first implemented in FY04. The "Circuit Breaker"

program's goal is to provide additional state financial assistance to school districts that incurred exceptionally high costs in educating students with disabilities. The law supports shared costs between the state and the school district when costs rise above a certain level. Massachusetts state funds are available to reimburse a school district for students with disabilities whose special education costs exceed four times the state average foundation budget (\$33,700 in FY07). The state pays up to 75% of the costs above \$33,700, subject to appropriation of sufficient funds.

In FY07, the final reimbursement for this program was 75% and represented a full funding level for the third consecutive fiscal year. 295 districts (76%) filed 20,840 claims related to serving 11,883 students (this is a partially duplicated count as students can be involved in multiple claims when moving from one district to another during a school year). The total amount claimed was over \$655 million, and the total amount reimbursed to school districts was over \$192 million, including \$3 million in extraordinary relief. Districts are eligible to claim for extraordinary relief if their eligible costs exceed the previous fiscal year's eligible costs by more than 25%.

Claims submitted by districts (shown below in Figure 4) indicate the highest claiming amounts for students in residential placements (\$206 million), followed by private day placements (\$182 million), in-district placements (\$146 million), and collaborative programs (\$121 million). Although residential and private day placements represented the highest claiming amounts, these data indicate that districts are serving students with complex needs in less restrictive settings. With a reimbursement program such as the Circuit Breaker in place, school districts can invest in their district's capacity to serve high need students (often the higher cost students) in the public schools.

Figure 4: Total Amount Claimed by Placement through "Circuit Breaker"

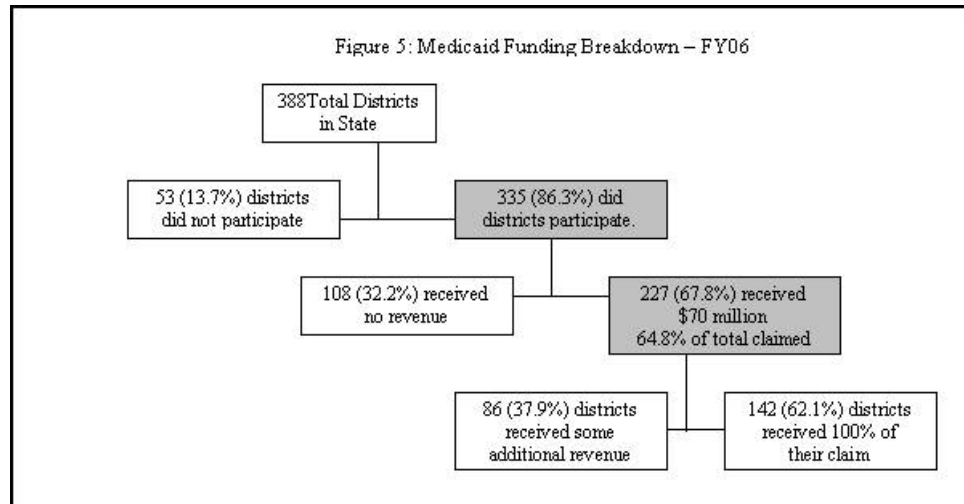


### C. Municipal Medicaid

Massachusetts's cities and towns participate in the Municipal Medicaid program as a means of maximizing federal reimbursement. School districts submit claims for students who are Medicaid eligible and who receive special education services. Federal revenues are returned directly to the municipality that, in turn, can choose to share such revenue with the school districts, in whole or in part.

In FY06, 335 public schools districts (86.3%) in Massachusetts participated, filing claims for a total of approximately \$108 million through the Municipal Medicaid program (see Figure 8). This is an increase from FY05 in both the number of participating districts (290 districts in FY05) and the total amount claimed (\$91 million in FY05). The increase in the number of participating districts is due primarily to the fact that charter schools were eligible to participate in the program for the first time during FY06. 37 charter schools filed claims totaling over \$778 thousand in FY06.

FY06 End of the Year financial reporting from school districts (including charter schools) indicates that of the participating districts, 227 districts received revenues totaling approximately \$70 million as a result of filing Municipal Medicaid claims, an increase from FY05 of \$8 million. The remaining 108 districts did not report Medicaid revenue in their End of Year report. Although the overall percentage of Municipal Medicaid revenues received by districts from their respective municipalities decreased slightly from FY05 (from 68.8% in FY05 to 64.8% in FY06), 141 school districts reported having received 100% of their total claim in FY06.



## VI. EDUCATIONAL COLLABORATIVES

During FY07, more than 5,700 students with disabilities received direct services through the collaboratives. Thousands of professional and support personnel participated in collaborative-sponsored training programs. Large numbers of general education students also received aspects of their education in collaborative-sponsored programs. Fourteen educational collaboratives have partnerships with colleges and universities to provide licensure programs for roles such as special education teacher, special education administrator, principal, superintendent, and business manager.

For a third year, the state legislature has provided funds to collaboratives to support the implementation of collaborative-operated special education transportation systems. In FY 08 the legislature provided an additional \$300,000 of seed money to expand this cost savings initiative, increasing the number of collaboratives able to offer this service. This service is designed to transport students to day and residential placements in a more cost effective manner. The three grantees were Assabet Valley, ACCEPT, and Lower Pioneer Valley. An additional fifteen educational collaboratives are now involved in inter-collaborative transportation networks that plan and provide special education transportation.

During the summer of 2007, education collaboratives, in addition to extending school year programs, sponsored summer institutes and programs. A representative sampling of those programs follows:

- ◆ Advanced Studies program for middle school students in science, technology, engineering and math (STEM) at Mass Maritime Academy Cape Cod Collaborative);
- ◆ Special Education Leadership Training (Accept Collaborative);

- ◆ Patterns, Polygons, Proportionality and probability ( Hampshire Collaborative);
- ◆ Advanced Placement Summer Institutes for Educators (South Shore Collaborative);
- ◆ Recovery High School - Alternative High School Program (North Shore Collaborative);
- ◆ Deaf and Hard of Hearing Program (Reads Collaborative); and
- ◆ Community Based Vocational/ Life Skills Training for 18-22 year olds (Southeastern Mass Collaborative).

Additionally, educational collaboratives continue to have a presence in policy-making activities including serving on advisory groups that address special education issues. The Department and the state's Department of Social Services (DSS) have provided grants to establish programs in four collaboratives that will promote communication and planning among school district's, state agencies, and private social service agencies. The impetus for this initiative is the desire to address more effectively the needs of children who are in DSS custody and enrolled in public schools. The collaboratives, in concert with department officials, are exploring ways in which services can be provided to underperforming school districts by taking advantage of existing collaborative capacity and resources.

## **VII. STATE AND FEDERAL STANDARDS AND COMPLIANCE**

### **Activities to Ensure Compliance with Special Education Law across the Commonwealth**

During FY07, the Department's Program Quality Assurance (PQA) office conducted detailed reviews and selected follow-up onsite visits to approximately 65 public school districts and charter schools, and 21 Department of Education approved Day and Residential Private Special Education Schools. A full description of the Department's public and private school Program Review Systems together with recently published reports are available at <http://www.doe.mass.edu/pqa/review/>.

Also, during FY 07, PQA conducted 53 Mid-Cycle Special Education Reviews for the purpose of verifying the full and effective implementation of corrective action requirements in special education. The focus of these onsite activities was targeted in areas of compliance that had been previously identified by the Department in Coordinated Program Review Reports. These Mid-Cycle Reviews focused on special education program standards adopted by the Board, new federal requirements, as well as verification of the full implementation of corrective action activities implemented in response to complaints.

Additional data and information related to the Department's dispute resolution systems, state complaint procedures, due process, and mediation procedures with the Bureau of Special Education Appeals, and other compliance information are provided in the SPP under Indicators 15 through 19 and can be viewed in their entirety at: <http://www.doe.mass.edu/sped/spp/>.

## **APPENDIX: CHAPTER 159 OF THE ACTS OF 2000**

### **Outside Section 432.**

#### **Website for full text Chapter 159 Acts of 2000**

**<http://www.mass.gov/legis/laws/seslaw00/sl000159.htm>**

**SECTION 432.** The department of education shall annually, on or before November 1, report to the general court on the implementation of the provisions of this act. Such report shall include a description on the progress made by school districts in implementing the federal standard, cost increases or savings in cities and towns, the degree of success in providing students with special services within the district or the commonwealth, the extent of the development of educational collaboratives to provide necessary services, the increase or decrease of the number of children served, federal non-compliance issues and such other matters as said department deems appropriate. Such report shall be filed with the clerks of the house of representatives and the senate who shall forward the same to the joint committee on education, arts and humanities and the house and senate committees on ways and means. The joint committee on education, arts and humanities shall hold an oversight hearing to review implementation of the provisions of this act, including but not limited to the issues raised in the department's report.