



Report to the Legislature:  
Students with Disabilities Annual Report 2007-2008

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Chapter 159, Acts of 2000  
December 2008

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# Massachusetts Department of Elementary and Secondary Education

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Mitchell D. Chester, Ed.D.  
Commissioner

December 2008

Dear Members of the General Court:

Pursuant to Chapter 159 of the Acts of 2000, Section 432, I respectfully submit the *Students with Disabilities Annual Report: 2007-2008* 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...”*

The first section 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 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. The other report sections provide data analysis on gender, related services, disability and placement as well as Massachusetts Comprehensive Assessment System (MCAS) results related to students with disabilities, Special Education Finance, and Educational Collaboratives.

I would like to note three selected activities as examples of some of the work the Department is doing to enhance teaching and learning in our classrooms with students with disabilities. The Department is working in collaboration with the Department of Early Education and Care (EEC) on several fronts to administer the preschool funds of IDEA on the three Indicators in the State Performance Plan (SPP) that have to do with Early Childhood including #6: Preschool LRE, #7: Measuring Preschool Outcomes and #12: Transitions by Age 3. Another program is Massachusetts FOCUS Academy, the Commonwealth's federally funded five-year personnel development grant that provides online professional development opportunities via MassOne, which is in its second year. This grant brings more than \$5 million dollars over five years to Massachusetts to enhance professional development in the area of special education. In 2008-

2009 this grant program will offer graduate-level courses to over 200 middle and high school educators in the following topic areas: Universal Design for Learning, Creating and Sustaining Positive School and Classroom Learning Environments, Secondary Transition, and Partnering with Parents. These courses will enhance the ability of educators to instruct and support middle and high school students with disabilities. Districts targeted for participation are those whose AYP status is “corrective action” or “restructuring.” In addition, the Department, in partnership with school districts, educational collaboratives, institutions of higher education, and professional associations, offers Professional Development Institutes and Special Education Summer Institutes. These trainings were developed to provide free graduate-level institutes designed to increase the content and pedagogical knowledge of Massachusetts educators. Additionally, 35 targeted districts were offered the opportunity to send building-based teams of general and special educators from middle and/or high school to the Council for Exceptional Children convention, held in Boston the spring of 2008. Sixteen districts participated, sending a total of 38 teams of 305 educators.

While I am pleased with the work being done, our students with disabilities represent a part of the achievement gap in Massachusetts that still must be addressed.

If you have questions, I would be pleased to discuss this report with you.

Sincerely,

Mitchell D. Chester, Ed.D.  
Commissioner of Elementary and Secondary Education

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## ***I. INTRODUCTION***

This report covers the period from December 2007 to November of 2008 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 activities center on data collection and analysis, professional development, and technical assistance 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 with disabilities; 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.

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

A focus of 2007-2008 and early 2008-2009 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 is engaged in a number 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 have been encouraged to contact the Special Education Planning and Policy Development Office of the Department to join an interest group. The “School and District Profiles/Special Education Data” page ([http://profiles.doe.mass.edu/special\\_ed.aspx](http://profiles.doe.mass.edu/special_ed.aspx)) has been updated to include: Indicator 1: Graduation Rate, Indicator 2: Dropout Rate, Indicator 4: Suspension/Expulsion, Indicator 5: Least Restrictive Environment - Ages 6-21-, Indicator 8: Parent Involvement, and Indicator 12: Early Child Transition. This fall Indicators 9 and 10: Disproportionality, Indicator 11: Child Find, and Indicator 13: Secondary Transition will be added.

**A. State Performance Plan Highlights**

The State Performance Plan 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 indicators:

**Indicator 1:** Graduation Rate ([http://www.doe.mass.edu/sped/spp/full.doc#apr\\_i1](http://www.doe.mass.edu/sped/spp/full.doc#apr_i1)).

- From FFY 2005 to FFY 2006, the graduation rate for students with disabilities in Massachusetts increased by 1.1 percentage points, from 61.7 percent to 62.8 percent. Likewise, the graduation rate for students without disabilities increased from 83.9 percent to 84.9 percent, and the overall state graduation rate increased from 79.9 percent to 80.9 percent. The improvement in the graduation rate of students with disabilities in Massachusetts may be related in part to a number of improvement activities that were completed in FFY 2006. This is a modest improvement in graduation rates but does not represent any closing of the gap between general education students and students with disabilities.

**Indicator 7:** Percent of preschool children with IEPs who demonstrate improved positive social-emotional skills (including social relationships); acquisition and use of knowledge and skills (including early language/communication and early literacy); and use of appropriate behaviors to meet their needs ([http://www.doe.mass.edu/sped/spp/full.doc#spp\\_i7](http://www.doe.mass.edu/sped/spp/full.doc#spp_i7)).

- Districts were trained on how to use the *Child Outcomes Summary Form* by staff from ESE and the Department of Early Education and Care (EEC), years 1 and 2. Entry data was reported based on local observation, formal and informal assessment information on a maximum of 40 preschool students with disabilities. The data reported at entry between Year 1 districts and Year 2 districts are identical with the exception of the third domain (see *Figure A*). In this domain, the percentages changed by 1 percent. The ESE and EEC believe that duplication of the entry data across the two years is responsible for the difference. Exit data is being collected through progress assessments and will be analyzed in-depth to look at difference across variables.

**Figure A: Child Outcomes Summary**

DOMAIN	% AGE APPROPRIATE		% NOT AGE APPROPRIATE	
	FFY 2006	FFY 2007	FFY 2006	FFY 2007
1) Positive social-emotional skills	20	20	80	80
2) The acquisition of skills and knowledge (including early language/communication and early literacy)	21	21	79	79
3) Use of behaviors to meet needs	33	32	67	68

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities ([http://www.doe.mass.edu/sped/spp/full.doc#spp\\_i8](http://www.doe.mass.edu/sped/spp/full.doc#spp_i8)).

- In order to collect data for this indicator, ESE selected the Part B Parent Survey – Special Education, created by the National Center for Special Education Accountability Monitoring (NCSEAM) as its survey tool. In its development, the survey items proved to be statistically valid with high correlations across outcome areas. The NCSEAM survey was validated for children ages birth to three and five to twenty-one. ESE used the survey with parents of school-age children.

ESE contracts with an external organization for all phases of the evaluation process. This includes: survey distribution, data collection/input/processing/evaluating, data analysis, producing a report based on the data at both the district and state levels, and returning the final data files to ESE. For the full distribution of the survey in fall 2006, ESE issued the parent cover letter and survey in the two languages of highest prevalence in Massachusetts.

To calculate the percentage to report on this indicator, ESE considered the responses of parents for each survey item where “very strongly agree,” “strongly agree,” or “agree” was the response. The measure adopted for Massachusetts’ SPP to show “that schools facilitated parent involvement as a means of improving services and results for children with disabilities” requires agreement on at least 50 percent of the survey items (13 of 25). While it is important to note that states use different surveys and have different methods of calculation, nationally the percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities is 63.1 percent.

**Figure B: Overall State Results**

	Surveys Issued	Surveys Returned (Return %)	% of Parents Reporting Schools Facilitate Their Involvement*
Fall 2006 (2005-06)	36,665	6,076 (16.6%)	77.2%
Spring 2007 (2006-07)	40,476	6,872 (17.0%)	77.0%

\* This represents the percent of parents who “agreed,” “strongly agreed,” or “very strongly agreed” with 13 or more items on the 25-item Parent Involvement Survey.

**Indicator 14:** Percent of youth who had IEPs, are no longer in secondary school, and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school. ([http://www.doe.mass.edu/sped/spp/full.doc#spp\\_i14](http://www.doe.mass.edu/sped/spp/full.doc#spp_i14)).

- In the spring of 2007, ESE engaged in the first collection and reporting of student post-school outcomes data. Students with disabilities who exited high school within the 2005-06 school year were surveyed regarding their post-secondary activities within one year of leaving high school. Respondents reported whether they enrolled in post-secondary education and/or were employed in the competitive job market. ESE analyzed the results of this initial data to establish a baseline percentage of students with disabilities who participate in post-secondary education and/or competitive employment within one year of leaving high school.

The data indicate that of the 1,028 respondents to the “Post-Secondary Outcomes Survey”

instrument, 93 percent of the respondents have been competitively employed, enrolled in postsecondary education, or both competitively employed and enrolled in postsecondary education within one year of leaving high school. Thirty-one percent of the respondents have been competitively employed within one year of leaving high school. Seventeen percent of the respondents have been enrolled in postsecondary education within one year of leaving high school. Forty-five percent of the respondents have been competitively employed and enrolled in postsecondary education within one year of leaving high school. Given the overall response rate of 39 percent, these high percentages may be a result of students responding who have had greater successes after leaving high school. Future data analysis will include the review of who the students are that respond to the survey.

**Figure C: Baseline Data for FFY 2006 (2006-2007)**

Number of Students with Disabilities in the cohort who exited high school (2005-06 school year)	Number of Students Contacted	Percentage of Students Contacted	Number of Respondents	Percentage of Respondents	<i>Response Rate</i>
2,610	2,015	77%	1,028	51%	39%
Number of Respondents who have been competitively employed	Number of Respondents who have been enrolled in postsecondary education	Number of Respondents who have been enrolled in postsecondary education <u>and</u> competitively employed	<i>Percentage of Respondents who have been competitively employed and/or enrolled in postsecondary education</i>		
316	177	461	93%		

For more information, please refer to the MA SPP section on the Massachusetts Department of Elementary and Secondary Education website: <http://www.doe.mass.edu/sped/spp/>.

## **B. Selected Activities**

### Department of Early Education and Care

The ESE works in collaboration with the Department of Early Education and Care (EEC) on several fronts. EEC administers the Section 619, or preschool supplemental funds, of IDEA through an interagency service agreement with ESE) and works on the three Indicators in the State Performance Plan (SPP) that have to do with Early Childhood including 6: Preschool LRE, 7: Measuring Preschool Outcomes and 12: Transitions by Age 3. EEC and ESE teamed up to generate new data collection forms that more accurately reflect student enrollment in early education and care programs and their special education services ([http://www.doe.mass.edu/sped/iep/forms/word/PL2\\_3-5.doc](http://www.doe.mass.edu/sped/iep/forms/word/PL2_3-5.doc)). Joint training was made available to all district data personnel in the use of new codes designed specifically to capture where young children age 3 to 5 receive their special education services.

### Massachusetts FOCUS Academy

Massachusetts FOCUS Academy, the commonwealth's federally funded five-year personnel development grant that provides online professional development opportunities via MassOne, is in its second year. This grant brings more than \$5 million dollars over five years to Massachusetts to enhance professional development in the area of special education. In 2008-09, this grant program will offer graduate-level courses to over 200 middle and high school educators in the following

topic areas: Universal Design for Learning, Creating and Sustaining Positive School and Classroom Learning Environments, Secondary Transition, and Partnering with Parents. These courses will enhance the ability of educators to instruct and support middle and high school students with disabilities. Districts targeted for participation are those whose AYP status is “corrective action” or “restructuring.”

Additional Professional Development Opportunities

The Department, in partnership with school districts, educational collaboratives, institutions of higher education, and professional associations, offers Professional Development Institutes and Special Education Summer Institutes. These trainings were developed to provide free graduate-level institutes designed to increase the content and pedagogical knowledge of Massachusetts educators. Additionally, 35 targeted districts were offered the opportunity to send building-based teams of general and special educators from middle and/or high schools to the Council for Exceptional Children convention, held in Boston the spring of 2008. Sixteen districts participated, sending a total of 38 teams of 305 educators.

**III. STATEWIDE SPECIAL EDUCATION DATA**

**A. General Statistics**

The Massachusetts Department of Elementary and Secondary Education reports statewide enrollment of students with disabilities based on data collected through its October 1<sup>st</sup> Student Information Management System (SIMS) collection. In addition to longitudinal enrollment data, this section provides a general description of how many students are being served by the categories of race/ethnicity, gender, and educational environment.

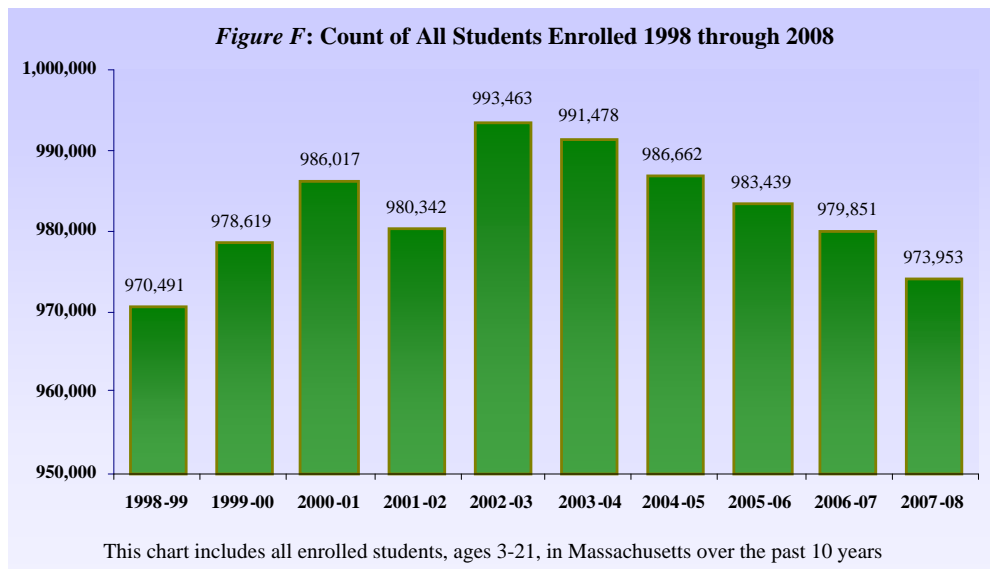
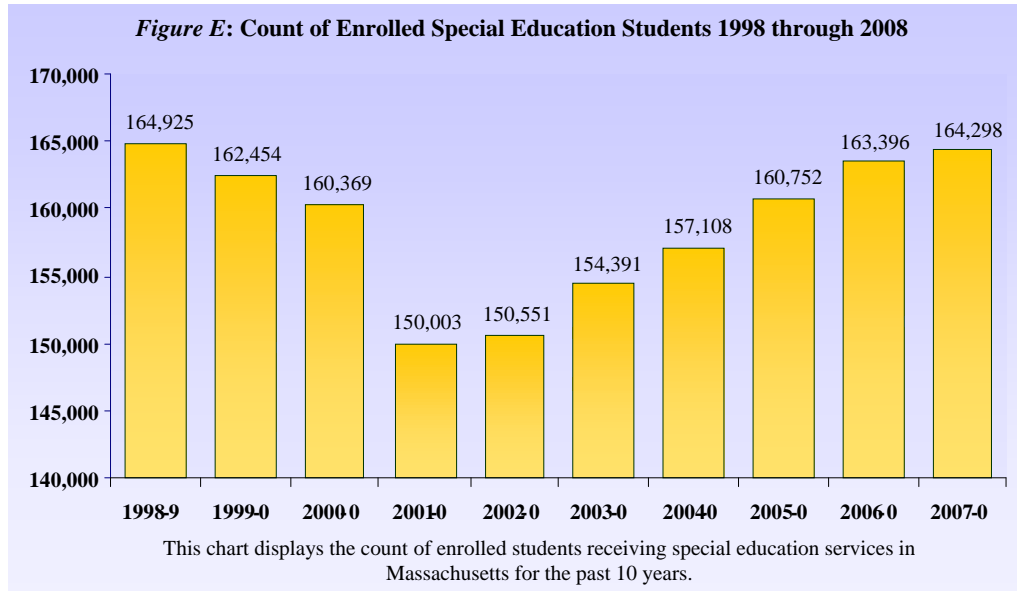
*Figure D* shows changes in the overall count and percent of students found eligible for special education in the last 10 years. Note that the trend over the past few years shows a steady rise in the overall percentage of students with disabilities in Massachusetts. Several factors were investigated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

**Figure D: Count and Percent of Students with Disabilities: 1997-2007**

School Year	Total Special Education Enrollment	Total Enrollment	Percent of Students with Disabilities
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%
2007-08	164,298	972,178	16.89%

*Figures E and F* represent the enrollment trends for students with disabilities and total population

respectively. It is notable that the enrollment for students with disabilities has risen in the same time period that the Commonwealth's total enrollment has declined.



**B. Selected Statistics**

Count and Percent of Students with Disabilities by Ages 3-5 and 6-21

In school year 2007-08, the number of enrolled students receiving special education services in Massachusetts, ages 3-5, has increased by 0.97 percent. This increase can be partially attributable to the improvement efforts in identifying infants and toddlers with disabilities. These children transition to early childhood special education services in public schools when they reach the age of 3.

Although the number of enrolled students with disabilities ages 6-21 in Massachusetts continues to increase, the rate at which it does so appears to be slowing down in comparison to the past 3

years. The analysis from the table (*Figure G*) shows an increase of 0.51 percent in 2007-08 from the previous school year.

**Figure G: Count and Percent of Students with Disabilities by Age**

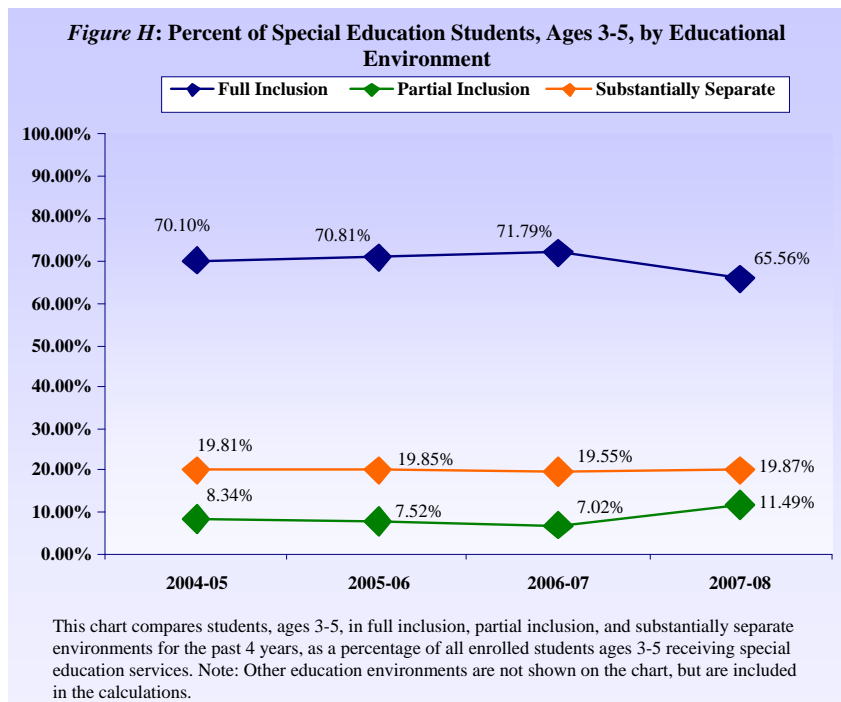
School Year	Students Ages 3-5		Students Ages 6-21		Total Enrollment Student with Disabilities
	Count	Percent	Count	Percent	Count
2004-2005	13,384	8.52%	143,724	91.48%	157,108
2005-2006	13,945	8.67%	146,807	91.33%	160,752
2006-2007	14,196	8.69%	149,200	91.31%	163,396
2007-2008	14,334	8.72%	149,963	91.28%	164,298

**Percent of Students with Disabilities Who Receive Services by Educational Environment Definitions:**

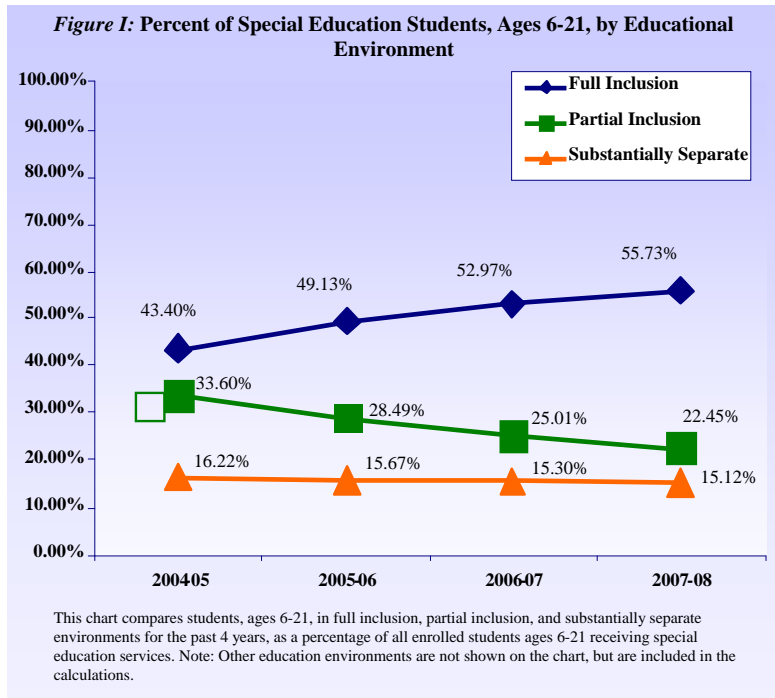
- Full Inclusion – at least 80 percent of the time in general education classroom
- Partial Inclusion – 40 percent to 79 percent of the time in general education classroom
- Substantially Separate – less than 40 percent in general education classroom

Although the differences between the percentages of students ages 3-5 in full inclusion, partial inclusion, and substantially separate educational environments in Massachusetts had remained relatively constant for the previous school years, the differences have been slightly narrowed in 2007-08. *Figure H* shows that the percentage of students in full inclusion continues to be higher than those in other educational environments.

Note that in this age group, there are more students placed in substantially separate classrooms than those in partial inclusion environments.



The percentage of students with disabilities in full inclusion in Massachusetts, ages 6-21, has been steadily increasing for the past 4 years (*Figure I*). In contrast, the percentage of partial inclusion has been decreasing and that of substantially separate has remained relatively constant. It should also be noted that within this age group, there are more students in partial inclusion than those in a substantially separate environment.

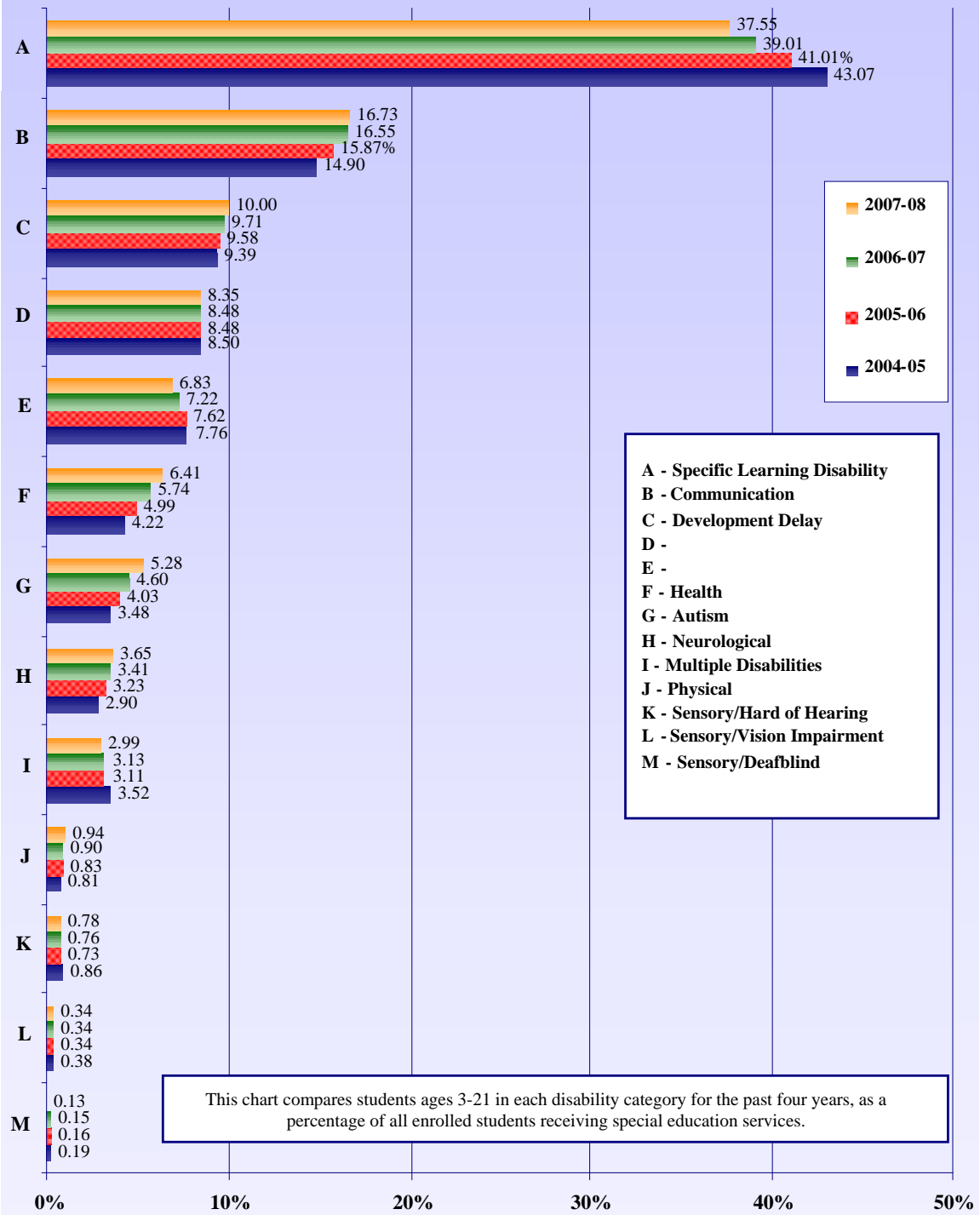


Student Identification by Disability Category

For the fourth consecutive year, the percent of students reported under Specific Learning Disability has been declining (*Figure J*). In 2007-08, the number of enrolled special education students in this category has decreased by 4.84 percent from the previous year.

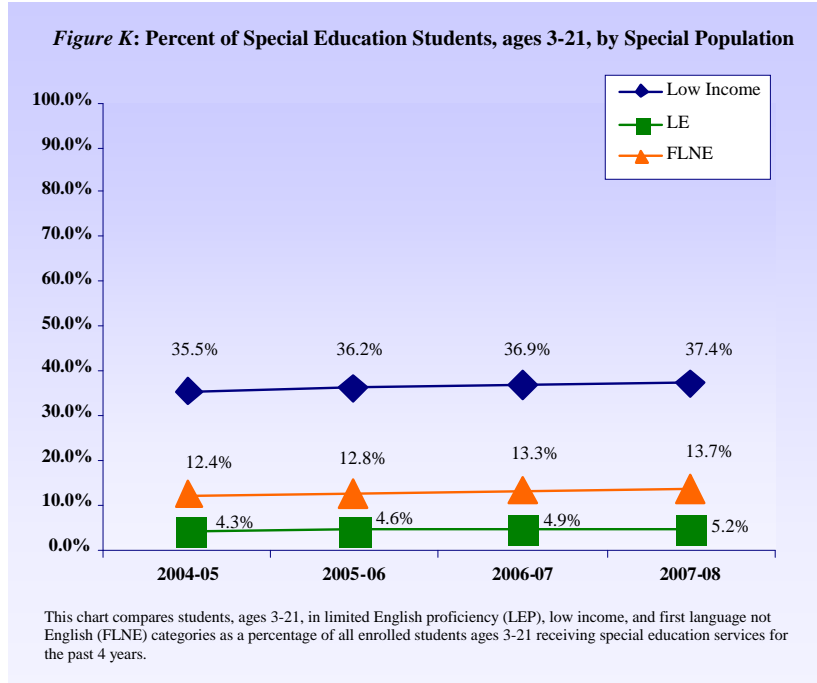
In contrast, the percent of special education students in both Health and Autism primary disability categories have continued to increase at steady rates. In 2007-08, Health has increased by 12.33 percent while Autism has increased by 15.27 percent from the previous year.

**Figure J: Percent of Special Education Students, Ages 3-21, by Disability Category 2004-08**



### Percent of Special Education Students, ages 3-21, by Special Population

Over the past four years, the percentages of special education students who are in limited English proficiency (LEP), low income and first language not English (FLNE) categories have not shown significant changes.



## IV. MASSACHUSETTS COMPREHENSIVE ASSESSMENT SYSTEM (MCAS)

### A. Overview of Spring 2008 MCAS Results

Spring 2008 results show that students with disabilities made gains on 9 of 16 MCAS tests, mostly in mathematics. In mathematics, the percent of students with scores of *Proficient* and higher rose one to two points, on average, when compared with 2007 scores. The percent of students who scored *Proficient* and higher on the grade 10 English Language Arts test increased five points, while for students in grades 3-8 ELA scores either remained the same or decreased. The percent of science and technology/engineering *Proficient* and *Advanced* scores increased in grade 8, but remained the same in grade 5. *Figure L* shows a summary of the progress made by students with disabilities between 2007 and 2008. Additional information on MCAS results can be viewed at <http://www.doe.mass.edu/news/news.asp?id=4287>.

More than ninety-seven percent/count of all enrolled students with disabilities participated in MCAS tests in 2008; 8,221 students participated in the MCAS Alternate Assessment.

Figure L: Statewide MCAS Results – Students with Disabilities  
Change in Performance, 2007 to 2008

	Number and Percent of Students with Disabilities Scoring Proficient and Higher								
	English Language Arts			Mathematics			Science & Tech/Eng.		
	2007	2008	Change	2007	2008	Change	2007	2008	Change
Grade 3	3309 (27%)	2710 (23%)	-4%	3419 (28%)	3471 (29%)	+1%			
Grade 4	2449 (19%)	1856 (14%)	-5%	2246 (17%)	2351 (18%)	+1%			
Grade 5	3372 (25%)	3101 (23%)	-2%	2282 (17%)	2353 (18%)	+1%	2871 (22%)	2837 (21%)	0%
Grade 6	3694 (27%)	3639 (27%)	0%	2245 (16%)	2391 (18%)	+2%			
Grade 7	3649 (28%)	3728 (28%)	0%	1548 (12%)	1608 (12%)	0%			
Grade 8	4744 (36%)	4730 (36%)	0%	1226 (10%)	1509 (12%)	+2%	997 (7%)	1374 (11%)	+4%
Grade 10	3390 (30%)	3925 (35%)	+5%	3450 (31%)	3717 (33%)	+2%		2220 (21%)	N/A

### B. Competency Determination for Students with Disabilities

A Competency Determination is awarded when a student scores at the *Needs Improvement* level or higher on all required high school MCAS tests or alternate assessments. When the 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. For the Class of 2010 (sophomores during school year 2007-2008) and subsequent classes:

- Students must meet or exceed the minimum *Proficient* score (scaled score of 240 or higher) on both the English Language Arts (ELA) and Mathematics MCAS grade 10 tests. Students may also meet these requirements through the MCAS performance appeals process.

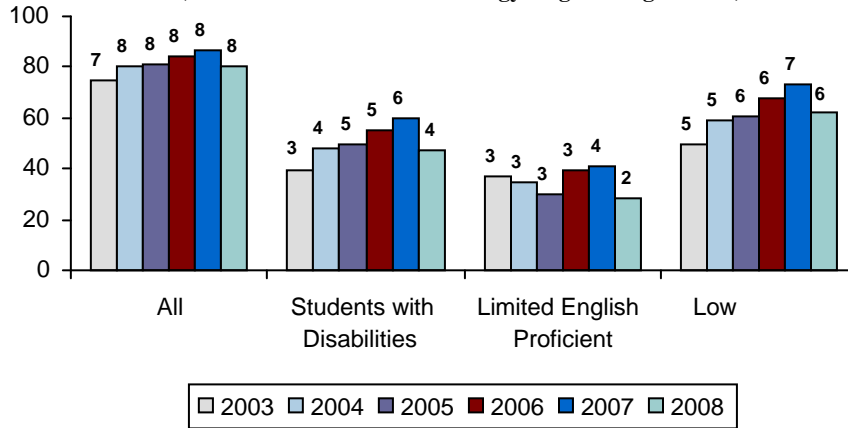
- OR -

Students must meet or exceed the minimum *Needs Improvement* score (scaled score of 220 or higher) on both the English Language Arts (ELA) and Mathematics MCAS grade 10 tests *and* fulfill the requirements of an Educational Proficiency Plan (EPP), which shall be developed for the subject area(s) in which students did not score at least 240. Students may also meet these requirements through the MCAS performance appeals process.

- Additionally, students must meet or exceed the minimum *Needs Improvement* score (scaled score of 220 or higher) on a high school Science and Technology/Engineering test in Biology, Chemistry, Introductory Physics, or Technology/Engineering. Students may also meet this requirement through the MCAS performance appeals process.

Forty-seven percent of students with disabilities in the class of 2010 earned the Competency Determination for all three required tests on their first attempt (see *Figure M*). A summary of grade 10 results is also shown. The rate of students with disabilities attaining a Competency Determination on their first try has doubled since 2002.

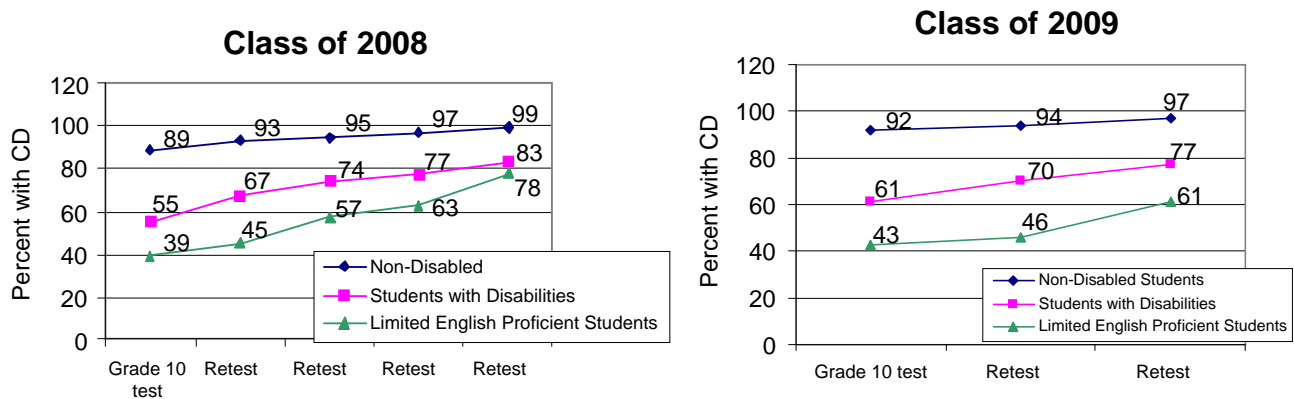
**Figure M: Grade 10 MCAS Results (2003-2008)**  
**Percent of Students Earning *Needs Improvement* or Higher**  
**on All High School Tests on Their First Attempt**  
**(includes Science and Technology/Engineering in 2008)**



In the spring 2008 the overall percentage of grade 10 students with disabilities earning a score of *Needs Improvement* or above on all 3 tests was 48 percent; on ELA was 75 percent; on Mathematics was 63 percent; and on Science, Technology and Engineering was 56 percent.

*Figure N* shows that 83 percent of students with disabilities in the class of 2008 earned a Competency Determination by passing the grade 10 MCAS tests in ELA and Mathematics after four successive retest opportunities in grades 11 and 12, an increase of two percentage points over students in the class of 2007. Seventy-seven percent of students with disabilities in the class of 2009 have passed the grade 10 ELA and Mathematics tests after two successive MCAS retest opportunities in grade 11. This passing rate is three percentage points higher than for students in the class of 2008 after two successive retest opportunities.

**Figure N: Percent of Students Earning the Competency Determination by Student Status**



## V. FINANCES

### A. Financial Summary

*Figure O* shows special education expenditures as reported by public school districts at the end of the year to the Department of Elementary and Secondary Education. *Figure P* 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 percent over that time period (from \$833 million in FY00 to \$1.177 billion in FY06). Out-of-district tuition expenditures rose 77 percent (\$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 percent during this time period (16.9 percent in FY00 to 19.1 percent in FY06).

**Figure O: Direct Special Education Expenditures (rounded to the nearest millions): 2000-2007**

FY	In-district Instruction		Out-of-district Tuition		E	F	G
	A	B	C	D			
	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	16.9
2001	756	143	140	227	1,265	7,344	17.2
2002	802	146	158	259	1,366	7,851	17.4
2003	847	149	164	282	1,442	8,145	17.7
2004	877	165	182	325	1,549	8,330	18.6
2005	925	180	184	369	1,657	8,770	18.9
2006	989	188	194	390	1,762	9,206	19.1
2007	1,042	195	204	420	1,862	9,614	19.4

### B. Circuit Breaker

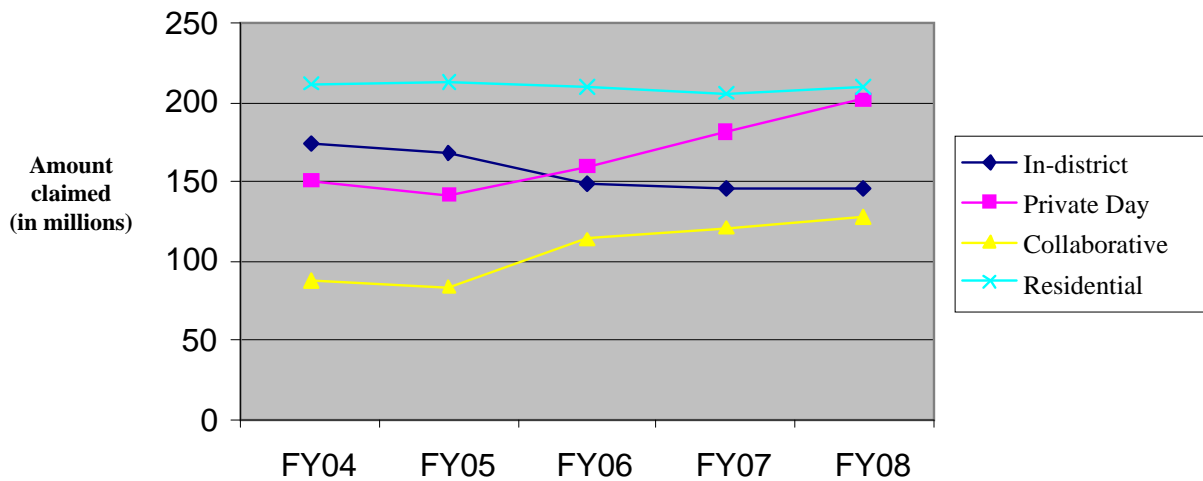
The state “Circuit Breaker” program – a special education reimbursement program enacted by the Legislature [St. 2000 c. 159, § 171] – was first implemented in FY04. The “Circuit Breaker” program’s goal is to provide additional state financial assistance to school districts that incurred exceptionally 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 per pupil (\$33,700 for FY08). The state pays up to 75 percent of the costs above \$33,700, subject to appropriation of sufficient funds.

In FY08, the final reimbursement rate for the “Circuit Breaker” program was 75 percent and represented a full funding level for the fourth consecutive fiscal year. A total of 294 districts (75 percent) filed 21,621 claims for 11,821 students (students can be involved in multiple claims when moving from one district to another during a school year). The total amount claimed was over \$686 million, an increase of over \$31 million from the previous fiscal year. Additionally, there was a significant rate increase for many approved private special education schools. The total amount reimbursed to school districts was over \$197 million, an increase of \$5 million from

FY07.

Claims submitted by districts through the “Circuit Breaker” reimbursement form indicate that students in private residential placements (\$210 million) accounted for the highest claiming amounts, followed by private day placements (\$202 million), in-district placements (\$146 million), and collaborative programs (\$128 million). *Figure P* displays the amount claimed by placement category through “Circuit Breaker” over the past five years. Students in residential placements have consistently represented the highest claiming amounts. Claims for students in private day placements and students in collaborative placements have steadily increased over the past four years.

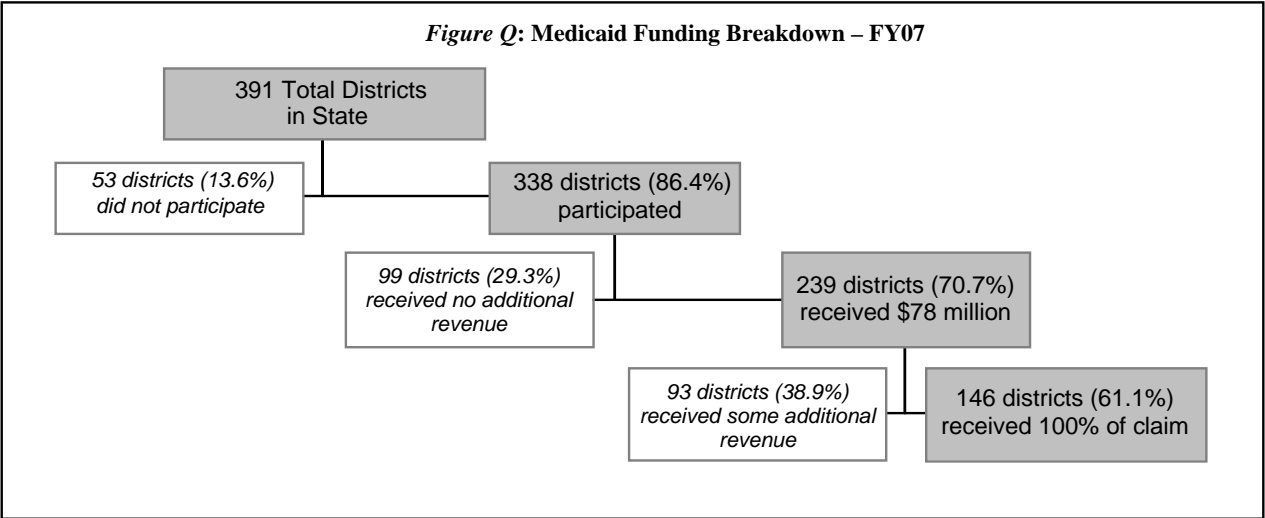
**Figure P: Amount Claimed by Placement through “Circuit Breaker” Over Time**



### C. Municipal Medicaid

Massachusetts 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 FY07, 338 public school districts and charter schools (86.4 percent) in Massachusetts participated, filing claims for a total of approximately \$111 million through the Municipal Medicaid program (*Figure Q*). This is a slight increase from FY06 in both the number of participating districts (335 districts in FY06) and the total amount claimed (\$108 million in FY06). FY07 End of the Year financial reporting from school districts (including charter schools) indicates that of the participating districts, 239 districts received revenues totaling approximately \$78 million as a result of filing Municipal Medicaid claims, an increase from FY06 of 12 districts and \$8 million. The remaining 99 districts did not report Medicaid revenue in their End of Year report. The overall percentage of Municipal Medicaid revenues received by districts from their respective municipalities increased from FY06 (from 64.8 percent in FY06 to 69.8 percent in FY07), and 146 school districts reported having received 100 percent of their total claim in FY07.



**VI. EDUCATIONAL COLLABORATIVES**

During FY08, more than 5,700 students with disabilities received direct services through educational collaboratives and thousands of professional and support personnel participated in collaborative-sponsored training programs. Additionally, large numbers of general education students received aspects of their education in collaborative-sponsored programs, particularly through alternative school programs. Thirteen 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. Collaboratives collectively serve 304 member districts, have budgets that amount to nearly \$280 million, and employ more than 4,600 staff. Special education programs in collaboratives serve a full range of students with disabilities.

For a third year, the state legislature has provided funds to collaboratives to support the implementation of collaborative-operated special education transportation systems. In FY08 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. In recognition of the success of this initiative the legislature has provided an additional \$550,000 in FY09 to develop a statewide transportation network.

During the summer of 2008, education collaboratives, in addition to offering extended school year programs for students, sponsored summer institutes and programs for staff development. A representative sampling of those programs follows:

- Administrative Licensure Programs for Special Educators (Assabet Valley Educational Collaborative)
- Empowering Multicultural Initiatives (EDCO Collaborative)

- Legal Issues for Administrators (FLLAC Collaborative)
- Sheltered English Immersion Training for Teachers (Pilgrim Area Collaborative)
- Advanced Placement Course Training for Teachers (South Shore Collaborative)
- Biological Sciences Institute for Middle and High School Teachers (The Education Cooperative).

Additionally, regional approaches through inter-collaborative networks have begun to offer programming. The Northeast inter-collaborative network (GLEC, Shore, Coastal, North Shore, and SEEM) offered a variety of professional development opportunities including “13 Costly Mistakes that IEP and 504 Teams Continue to Make.”

Educational collaboratives continue to have a presence in policy-making activities including serving on advisory groups that address a variety of issues. The MOEC Executive Director served as a member of Governor Patrick’s Readiness Project. The Department of Elementary and Secondary Education and the state’s Department of Children and Families (DCF) have provided grants to establish programs in four collaboratives to promote communication and planning among school districts, 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 DCF 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.

Statewide, educational collaboratives continue to provide leadership in the area of cooperative purchasing. Several collaboratives have taken the lead in the purchase of fuel, energy, office and classroom supplies, and athletic equipment. Through economies of scale, school districts receive lower prices and achieve significant savings in the purchase of these materials.

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

Activities to Ensure Compliance with Special Education Laws across the Commonwealth

During FY08, the Department’s Program Quality Assurance (PQA) office conducted detailed reviews and selected follow-up onsite visits to approximately 70 public school districts and charter schools, and 18 Department-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 is available at <http://www.doe.mass.edu/pqa/review/>.

Also, during FY08, PQA conducted 75 Mid-Cycle Special Education Reviews for the purpose of verifying the full and effective implementation of corrective action requirements in special education. These onsite activities targeted 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.