



Report to the Legislature: Annual Report on Students with Disabilities 2009-2010

Chapter 159, Acts of 2000
March, 2011

**Massachusetts Department of Elementary and
Secondary Education**
75 Pleasant Street, Malden, MA 02148-4906
Phone 781-338-3000 TTY: N.E.T. Relay 800-439-2370
www.doe.mass.edu



This document was prepared by the
Massachusetts Department of Elementary and Secondary Education
Mitchell D. Chester, Ed.D.
Commissioner

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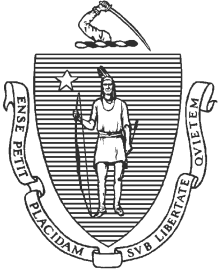
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March 2011

Dear Members of the General Court:

I am pleased to submit this *Report to the Legislature: Annual Report on Students with Disabilities 2009-2010*. This report has been provided to the Legislature on an annual basis since 2000 when the legislature amended the language of G.L. c.71B to align Massachusetts special education terminology with the federal *Individuals with Disabilities Education Act (IDEA)*. It should be noted that Massachusetts' compliance with the IDEA is monitored by the federal Office of Special Education Programs (OSEP). As a result, the Department is required to submit an annual report on compliance and performance to OSEP each year on February 1. The federal report may be found on the Department's website at <http://www.doe.mass.edu/sped/spp/>. We are proud of the progress made in both performance and compliance indicators reflected in this year's submission of our Annual Performance Report.

The annual state legislative report provides statewide longitudinal enrollment data on students with disabilities. The report also provides data on the number of students with disabilities who are being served according to grade level, educational environment, and disability category. It is noteworthy that the incidence of reported types of disabilities has changed over the past five years. There has been a decrease in the incidence of students reported under the intellectual, specific learning disability, and sensory/deafblind disability categories and an increase in the incidence of students reported under the autism, health, and neurological disability categories.

The report also provides information on special education expenditures, claims filed for "circuit breaker" reimbursement, and Medicaid reimbursement for eligible services provided in the school environment.

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

Sincerely,

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

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I. Introduction

The Department of Elementary and Secondary Education respectfully submits this Report to the Legislature pursuant to Chapter 159 of the Acts of 2000, Section 432:

“Section 432: The Department of Education shall annually, . . . report to the General Court on the implementation of the provision 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 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...”

II. Massachusetts State Performance Plan

The Massachusetts State Performance Plan (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. Information on each of these indicators can be found at <http://www.doe.mass.edu/sped/spp/>. Data for individual districts can be found on the “School and District Profiles/Special Education Data” page at http://profiles.doe.mass.edu/state_report/special_ed.aspx.

To date, progress on the following performance and compliance indicators are reported annually, on February 1st:

Indicator 1: Graduation Rate	Indicator 12: Early Childhood Transition
Indicator 2: Dropout Rate	Indicator 13: Secondary Transition
Indicator 3: Assessment	Indicator 14: Post-School Outcomes
Indicator 4: Suspension/Expulsion	Indicator 15: ID and Correction of Noncompliance
Indicators 5 & 6: Least Restrictive Environment (LRE)	Indicator 16: Complaint Resolution within Timelines
Indicator 7: Preschool Outcomes	Indicator 17: Due Process within Timelines
Indicator 8: Parent Involvement	Indicator 18: Use of Resolution Sessions
Indicators 9 & 10: Disproportionality	Indicator 19: Mediation Agreements
Indicator 11: Initial Evaluation within Timelines	Indicator 20: Timely State Reported Data

The Department engages 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. We recommend that members of the legislature consider looking at Indicator areas of interest beginning in early February 2011. Data and information related to the Department’s dispute resolution systems, state complaint procedures, due process, mediation procedures with the Bureau of Special Education Appeals, and other compliance information will be provided in the MA SPP under Indicators 15-19.

III. Statewide Special Education Data (School Year (SY) 2009-2010)

A. General Statistics

The Department reports statewide enrollment of students with disabilities based on data collected through its October 1st Student Information Management System (SIMS) collection. In addition to longitudinal enrollment data, this section provides a general description of how many students with disabilities are being served according to grade level, age grouping, educational environment, and disability category.

Longitudinal Enrollment

The percent of enrolled students receiving special education services in Massachusetts in SY10 is 17.0 percent. This is a decrease of .1 percentage points from the previous year. Although this is the first time in the past ten years that the percent of students with disabilities has shown any signs of declining, the enrollment number of all students has been in a decline for the past ten years (Figure A).

Analysis of child count data over the ten year period (SY01 to SY10) shows a 2.8 percent increase in the number of students receiving special education services over that period compared to a 1.8 percent decrease in the total enrollment of all students.

Figure A: Number and Percentage of Students with Disabilities (SY01–10)

School Year	Total Special Education Enrollment	Total Enrollment	Percentage of Students with Disabilities
2000-01	160,369	986,017	16.3%
2001-02	150,003	980,342	15.3%
2002-03	150,551	993,463	15.2%
2003-04	154,391	991,478	15.6%
2004-05	157,108	986,662	15.9%
2005-06	160,752	983,439	16.4%
2006-07	163,396	979,851	16.7%
2007-08	164,298	972,178	16.9%
2008-09	166,037	970,059	17.1%
2009-10	164,847	967,951	17.0%

Source: Massachusetts Student Information Management System

B. Specific Statistics

Percent of Enrolled Students by Grade Level

Analysis of the SY10 student enrollment data at grade level shows discrepancy in the proportion of students who receive special education services as compared to the general education enrollment in the preschool (PK) grade level. This particular comparison is not unexpected as students with disabilities are more likely to be participating in free public preschool programs, while students without disabilities are not required to be in school at that age and school districts are not required to provide free preschool programs to non-disabled students.

Figure B below compares the percentage of the student population – both general education and special education – by grade level. For example, 7.7 percent of the special education population was in grade 4 in SY10 and 7.3 percent of the general education population was in grade 4 in SY10.

Figure B: Percent of Special Education and General Education Enrollment by Grade Level (SY10)

	Special Education Enrollment	General Education Enrollment
PK	5.6%	2.4%
K	4.2%	7.7%
G1	5.1%	7.8%
G2	6.2%	7.5%
G3	7.1%	7.4%
G4	7.7%	7.3%
G5	7.9%	7.3%
G6	8.4%	7.4%
G7	8.2%	7.3%
G8	8.1%	7.4%
G9	9.0%	8.1%
G10	7.9%	7.7%
G11	7.1%	7.5%
G12	6.4%	7.3%
All Grades	98.9%	100%

Note: The 1.1 percent discrepancy in special education enrollment represents students who are beyond the 12th grade.

Source: Massachusetts Student Information Management System

Count and Percentage of Students with Disabilities: Ages 3-5 and 6-21

In SY10, the number of students receiving special education for both the 3-5 and 6-21 age groups has decreased by 14 and 1,176 students, respectively. These decreases are not of

significant importance, considering the percentages of students receiving special education in these age groups have not changed from what was reported in SY09 (Figure C).

Figure C: Breakdown of Students with Disabilities by Age Group (SY07–10)

School Year	Students with Disabilities Ages 3-5		Students with Disabilities Ages 6-21		Total Enrollment Student with Disabilities
	<i>Count</i>	<i>Percent</i>	<i>Count</i>	<i>Percent</i>	<i>Count</i>
2006-07	14,196	8.7%	149,200	91.3%	163,396
2007-08	14,334	8.7%	149,963	91.3%	164,298
2008-09	14,754	8.9%	151,283	91.1%	166,037
2009-10	14,740	8.9%	150,107	91.1%	164,847

Source: Massachusetts Student Information Management System

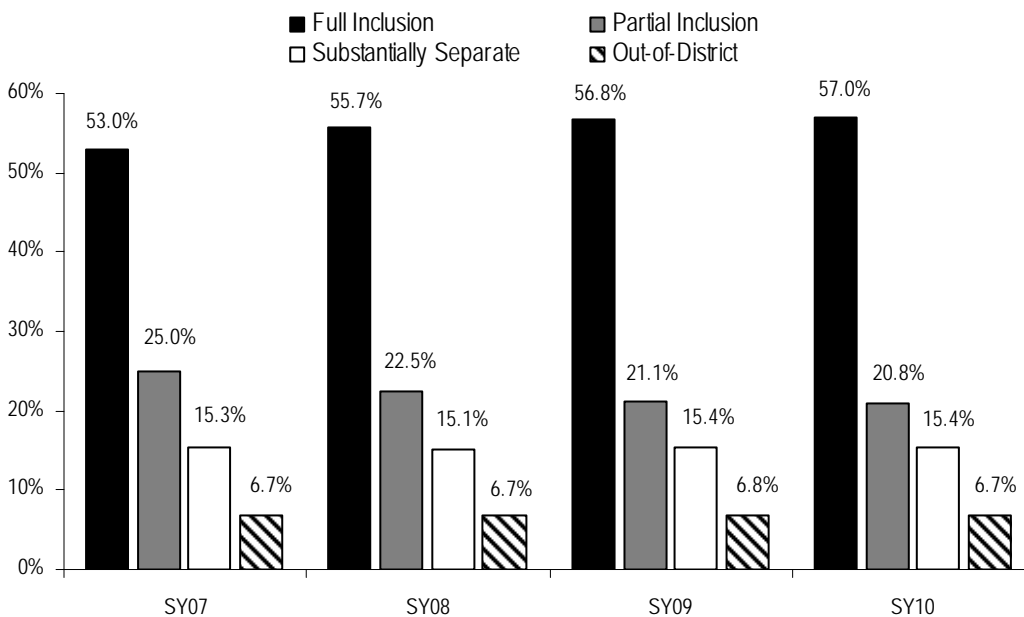
Percentage of Students with Disabilities Who Receive Services by Educational Environment

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
- Out of District Placements – separate schools or residential facilities

The percentage of students with disabilities placed in full inclusion environments, ages 6-21, represents more than half of all students with disabilities in SY10. The percent of students in full inclusion environments is 57.0 percent, partial inclusion is 20.8 percent, and substantially separate is 15.4 percent. The percent of students in out-of-district placements is 6.7 percent. There are no significant changes in the percentages of students in these four major placement categories for the past few years.

Figure D: Special Education Students, Ages 6-21, by Educational Environment (SY07–10)



Note: This chart compares students, ages 6-21, in full inclusion, partial inclusion, and substantially separate environments, as well as out-of-district placements for the past four years, as a percentage of all enrolled students ages 6-21 receiving special education services.

Source: Massachusetts Student Information Management System

Student Identification by Disability Category

The following table identifies numbers and percentages of students with disabilities by disability category. SY06 and SY10 data are used to demonstrate the changes over time within disability categories.

Figure E: Number and Percentage of Disability Categories Ages 3-21 (SY06 and SY10)

Primary Disability	SY06		SY10	
	#	%	#	%
Autism	6,477	4.0%	10,781	6.5%
Communication	25,519	15.9%	28,932	17.6%
Development Delay	15,405	9.6%	17,257	10.5%
Emotional	13,630	8.5%	13,849	8.4%
Health	8,019	5.0%	12,758	7.7%
Intellectual	12,245	7.6%	10,682	6.5%
Multiple Disabilities	5,006	3.1%	4,667	2.8%
Neurological	5,199	3.2%	7,013	4.3%
Physical	1,342	0.8%	1,537	0.9%
Sensory/Deaf blind	264	0.2%	193	0.1%
Sensory/Hard of Hearing	1,178	0.7%	1,233	0.7%

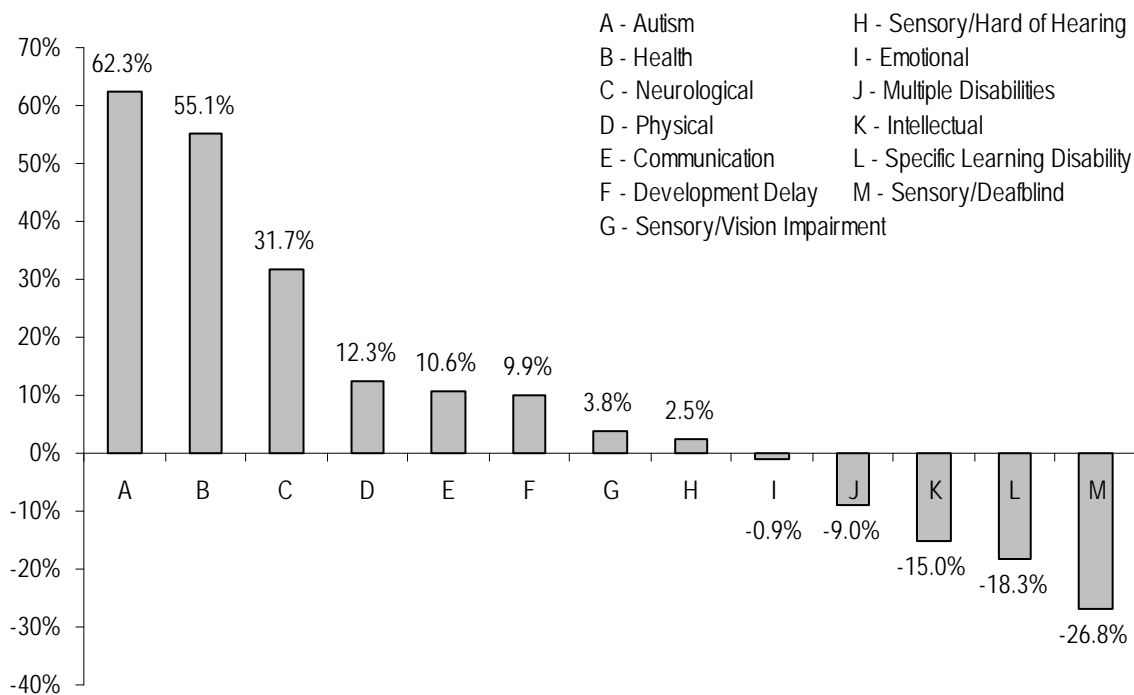
Sensory/Vision Impairment	546	0.3%	582	0.4%
Specific Learning Disability	65,922	41.0%	55,263	33.5%
SPED Total	160,752	100%	164,847	100%

Source: Massachusetts Student Information Management System

Categories of Specific Learning Disability and Communication continue to represent half of all students receiving special education services in Massachusetts (Specific Learning Disability at 33.5 percent; Communication at 17.6 percent).

The analysis of the percentage changes over the five year period (SY06 to SY10) shows that students identified under the categories of Intellectual, Specific Learning Disability, and Sensory/Deafblind decreased. Meanwhile, categories of Autism, Health, and Neurological show an increase over the same five year period. Autism, Health, and Neurological showed the sharpest percentage change increase of 62.3 percent, 55.1 percent, and 31.7 percent, respectively, over the five year period.

Figure F: Percent Change of Special Education Enrollment, Ages 3-21, by Disability Category (SY06-10)



Source: Massachusetts Student Information Management System

Percentage of Students with Disabilities by Other Special Population Status

Over the past few years, there have been mild increases in the percentages of special education students who are also in the categories of low income, limited English proficiency (LEP), and first language not English (FLNE). These increases, though, are not statistically significant. In

SY10, percentages of students with disabilities who also come from other special populations are:

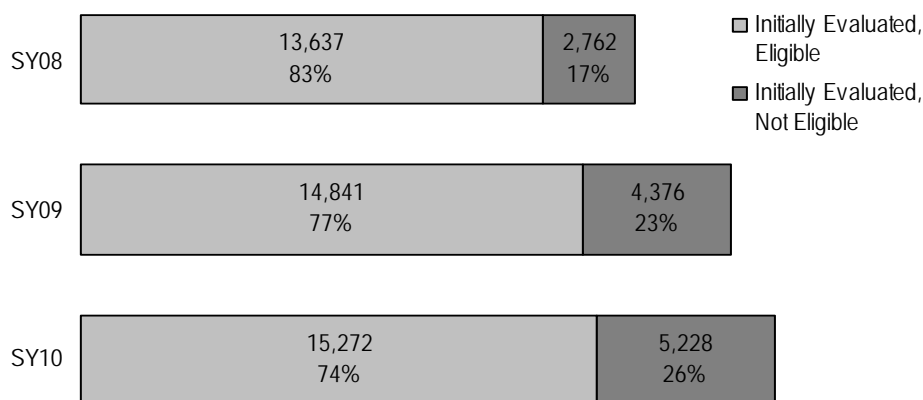
- Low income (41.6 percent).
- LEP – limited English proficiency (5.7 percent).
- FLNE – first language not English (14.3 percent).

While 41.6 percent of students with disabilities come from low income families, the incident rate in general education population is only 30.9 percent. Thus, in SY10, the enrollment of students with disabilities from low income families is 35 percent higher than general education students from low income families.

Count and Percentage of Initial Evaluations for Special Education Services

From SY08 to SY10, the number of initial evaluations for special education services in Massachusetts increased from 16,399 students to 20,500. In contrast, the number of students enrolled in Massachusetts decreased from 972,178 to 967,951. Shown in Figure G, the statewide percent of students initially evaluated and found not eligible for special education services increased from 17 percent to 26 percent. This numeric increase may be partially attributable to a need for more support services for students, less money available in school budgets for general education supports, and a lack of school-wide programs such as Response to Intervention or Positive Behavioral Intervention Supports. High percentages of students initially evaluated and found not eligible for special education services is costly in time, use of resources, and money. If Massachusetts were to reduce the inappropriate referrals by only the increase from FY08 to FY10 (i.e., 5,228-2,762=2,466), it could save approximately \$3.5 million (using the national estimate of \$1,400/initial evaluation), which could be used to provide general education supports.

Figure G: Breakdown of Initial Evaluations for Special Education (SY08-SY10)



*Note: Data do not include students in the process of being initially evaluated.
Source: Massachusetts Student Information Management System.*

Massachusetts Comprehensive Assessment Systems (MCAS)

In SY10, 25 percent or less of students with disabilities scored *Proficient* or higher at grades 3, 4, and 5 in English Language Arts (ELA), at all grades tested in Mathematics except grades 3 and 10, and at grades 5 and 8 in Science, Technology, Engineering (STE). The percentage of students with disabilities scoring *Proficient* or higher ranged from:

- 16 percent at grade 4 to 38 percent at grade 10 in English Language Arts (ELA)
- 13 percent at grade 8 to 36 percent at grade 10 in Mathematics
- 10 percent at grade 8 to 27 percent at grade 10 in Science, Technology, Engineering (STE)

Achievement of students with disabilities in ELA declined between SY09 and SY10 by three percentage points. In mathematics, achievement of students with disabilities improved by four percentage points overall. Achievement of students with disabilities in STE improved by three points between SY09 and SY10 (Figure H). However, in all subject areas the gap between the performance of students with disabilities and students without widened by one to four points.

The report titled *Spring 2010 MCAS Tests: Summary of State Results* is available on the Department's website at <http://www.doe.mass.edu/mcas/2010/results/summary.doc>.

Figure H: Change in MCAS Performance for Students with Disabilities (SY09–10)

	Percentage of Students with Disabilities Scoring Proficient and Higher								
	English Language Arts			Mathematics			Science & Tech/Eng.*		
	SY09	SY10	Change	SY09	SY10	Change	SY09	SY10	Change
Grade 3	23	25	+2	28	30	+2			
Grade 4	16	16	0	16	16	0			
Grade 5	24	23	-1	18	18	0	20	21	+1
Grade 6	26	28	+2	19	19	0			
Grade 7	28	30	+2	13	15	+2			
Grade 8	40	36	-4	12	13	+1	11	10	-1
Grade 10	42	38	-4	37	36	-1	24	27	+3

Source: Summary of 2010 MCAS State Results

*Science & Tech/Eng. MCAS offered in grade 5, 8, and 10 only

IV. Finances

A. Financial Summary

Special education expenditures are reported by public school districts at the end of the school year to the Department. As shown in Figure I, the data indicate that both the total school operating budget and direct special education expenditures have increased over the past ten years.

- Increase from 2000-2009: In-district special education instruction – 69.7 percent
- Increase from 2000-2009: MA Public Schools and Collaboratives – 77.8 percent
- Increase from 2000-2009: MA Private and Out-of-State Schools – 104.4 percent
(Note: the FY09 cost is 4.8 percent lower than FY08)

Overall, direct special education expenditures as a percentage of the total school-operating budget have increased 3.2 percentage points during this time period (16.9 percent in FY00 to 20.1 percent in FY09). We note that the numbers in Figure 1 do not include the general education expenditures for students with disabilities, only those excess costs attributable solely to providing special education services.

Figure I: Direct Special Education Expenditures, in millions (FY00–09)

Fiscal Year	In-district Instruction		Out-of-district Tuition		E Combined Special Ed Expenditures (A+B+C+D)	F Total School Operating Budget	G Special Education % of Budget (E as % of F)
	A Teaching	B Other Instructional	C Mass. Public Schools and Collaboratives	D Mass. Private and Out-of-State Schools			
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
2008	1,092	196	212	437	1,936	9,863	19.6
2009	1,200	214	224	417	2,056	10,246	20.1

Note: Values rounded to nearest million.

Source: End of Year Pupil and Financial Report

Definitions:

- “Direct” special education expenditures include only those that can be related specifically to special education pupils.
- “Other instructional” includes supervisory, textbooks and instructional equipment, guidance, and psychological services.
- “Mass Public Schools and Collaboratives” includes other public school districts, collaboratives, and charter schools.

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 have incurred exceptionally high costs in educating individual students with disabilities. The statute supports shared costs between the state and the school district when costs rise above a certain level. Massachusetts state funds are available (subject to appropriation) to reimburse a school district for students with disabilities whose special education costs exceed four times the state average foundation budget per pupil (\$38,636). While FY09 was the first year in four years that the state did not meet the 75 percent amount anticipated in statute (providing 72 percent reimbursement), in FY10 the reimbursement rate was even less, only 42 percent.

In FY10, a total of 289 districts (73 percent) filed 22,318 claims for 11,577 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 \$753 million, an increase of more than \$27 million from the previous fiscal year. The total amount reimbursed to school districts was over \$127 million, a decrease of \$74 million from FY09.

Claims submitted by districts through the Circuit Breaker reimbursement form indicate a shift in student placements based on the dollars spent. Students in private residential placements claimed \$228 million, an increase of \$8 million from the previous year. In-district placement claims were \$142 million, which was a decrease of \$32 million. Placements in educational collaborative programs claimed \$143 million, which was an increase of \$31 million, and private day placements claimed \$240 million, an increase of \$20 million.

Figure J: Amounts claimed by Placement through Circuit Breaker

Year	Private Residential	Private Day	Collaborative	In-District
FY06	210	160	114	149
FY07	206	182	121	146
FY08	210	202	128	146
FY09	220	220	112	174
FY10	228	240	143	142

Note: Total amount claimed rounded to nearest million. Additional information can be found in the Implementation of the Special Education Reimbursement ("Circuit Breaker") Program annual report, which is located at: <http://www.doe.mass.edu/research/reports/legislative.html?FY=2010>.

C. School-Based Medicaid

Massachusetts cities and towns participate in the School-Based 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.

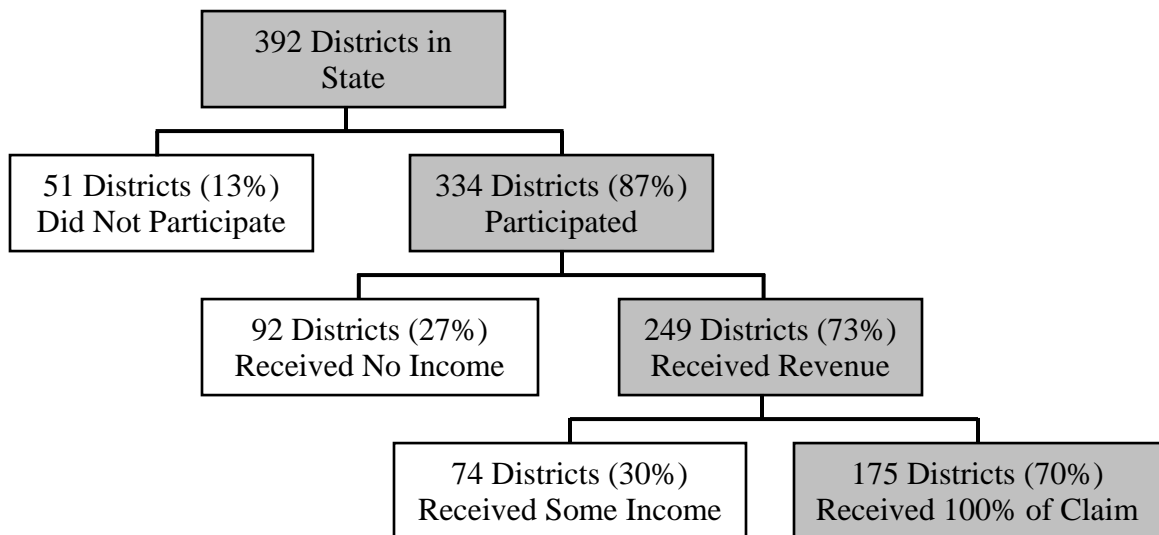
In FY09, 341 public Massachusetts school districts and charter schools (87.0 percent) participated in the Municipal Medicaid program, filing claims for a total of approximately \$110.8 million. This figure represents:

- Direct services claims: \$71.5 million
- Administrative Activities claims: \$39.3 million

In FY09, additional funds were made available through the ARRA (enhanced “Federal Financial Participation” for the Medicaid program). Three hundred sixteen (316) districts availed themselves of this Medicaid option for a total of \$10.3 million.

FY09 End-of-Year financial reporting indicates that as a result of filing Municipal Medicaid claims 249 of the participating districts received revenues from their respective municipalities totaling approximately \$86.6 million. The amount of dollars returned to districts increased by \$8.5 million over FY08. Ninety-two districts reported no return, down from 141 in FY08. One hundred seventy-five school districts reported 100 percent reimbursement from their respective municipalities as compared to 88 in FY08 and 146 in FY07.

Figure K: Municipal Medicaid Funding Breakdown, FY09



Source: End of Year Pupil and Financial Report

FY09 marks the end of the Municipal Medicaid program. Beginning with July 2009, Massachusetts was required to change its claiming procedures to a “fee for service” model. This new model, called School-Based Medicaid, requires additional documentation of services provided and provides reimbursement only for qualified providers, as compared to the former methodology which had limited documentation requirements and set a low rate of reimbursement for any or all services that were Medicaid eligible regardless of provider. While we do not have

FY10 information regarding income to the districts, FY10 claiming data show a 41 percent decrease in total claims from \$110.8 million in FY09 to \$65.1 million in FY10. Our next Annual Report will provide details about the income to districts in light of the claiming decrease. However, the sharp decrease in claims is of concern and we will continue to watch carefully to ascertain if, in practice, this new methodology is more burdensome such that districts are not making claims, or if this is simply a learning period for a new methodology.

V. Educational Collaboratives

During FY10, nearly 6,300 students with disabilities received direct services through educational collaboratives. Special education programs in collaboratives served a full range of students with disabilities. Additionally, over 3,700 general education students received aspects of their education in collaborative-sponsored programs, particularly through alternative school programs. Collaboratives collectively served 304 member districts, had budgets that amounted to over \$305 million, and employed more than 3,900 staff.

In FY10, 18 collaboratives conducted professional development programs for their member districts. These programs ranged from short-term classes, to year-long job-alike groups, to graduate-level courses, and educator licensure programs. These programs not only trained individual teachers and administrators but also fostered cross-district resource sharing and efficiencies. Seven educational collaboratives had partnerships with colleges and universities to provide licensure programs for roles such as general education teacher, special education teacher, special education administrator, principal, and superintendent. In FY10, over 7,900 professional and support personnel participated in collaborative training programs.

Over the previous three years, the state legislature had provided funds to collaboratives to support the implementation of collaborative-coordinated special education transportation networks. This service is designed to transport students to day and residential placements in a more cost-effective manner. A substantial number of educational collaboratives are now involved in inter-collaborative transportation networks that plan and provide special education transportation. In recognition of the success of this project, the Massachusetts Organization of Education Collaboratives (MOEC) was awarded a \$100,000 grant from the Department to continue to coordinate and expand the project. To date, the project has realized more than \$7 million in savings for participating districts. A copy of the Special Education Transportation Task Force Report is available on the MOEC website: www.moecnet.org.

Educational collaboratives continued to provide leadership in cooperative purchasing. Nine collaboratives purchased for their districts fuel, energy, technology, office and classroom supplies, curriculum and instruction materials, food service, custodial supplies, and athletic equipment. Through economies-of-scale, school districts received lower prices and achieved significant savings in the purchase of these materials. In FY10, collaboratives saved districts over \$2.6 million through cooperative purchasing.

Additionally, collaboratives formed a regional organization to increase capacity and service to districts. In the MOEC South region, nine educational collaboratives formally organized to form the Southeast Collaborative Regional Organization (SCRO). The SCRO is designed to increase the quality of education in each local school district by creating a wealth of combined expertise.

It is also designed to build capacity within the 85 member school districts that enroll more than 210,000 students through the sharing of management, instructional, and support personnel.

Educational collaboratives continued to have a presence in policy-making activities. Twelve collaboratives are primary partners in the Readiness Centers. Collaboratives were awarded grants to provide student achievement data analysis services to school districts as part of the regional District School Assistance Centers (DSACs). The MOEC Executive Director was appointed to serve on the special commission created by the legislature to examine efficient and effective strategies to implement school district collaboration and regionalization.

During the SY11, MOEC will redesign its strategic plan to chart its course for future activities.

VI. Summary

The data for this report are a compilation of information from five units within the Department of Elementary and Secondary Education as well as input from the Massachusetts Organization of Education Collaboratives and the state Department of Medicaid. If you have any questions, please contact the Office of Special Education Planning and Policy at the Department of Elementary and Secondary Education, Marcia Mittnacht, Director, by email at mmmittnacht@doe.mass.edu or phone 781-338-3375.