

# MASSACHUSETTS STUDENTS WITH DISABILITIES ANNUAL REPORT: 2002-03



The *Massachusetts Students with Disabilities Annual Report 2002-03* provides an overview of activities related to special education for the period beginning October 1, 2002 and ending October 31, 2003. This report responds to Budget Section 432, Chapter 159 of the Acts of 2000, and the FY 2002 Budget, which reads, in part:

*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 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...*

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## OVERVIEW

The Massachusetts Department of Education (MA DOE) herein describes its progress in ensuring the appropriate provision of special education to eligible students in the Commonwealth of Massachusetts for the past year. The following individual units provided information and descriptions of activities: Information Services, Special Education Planning and Policy Development (SEPP), the School and Student Assessment Unit, School Finance, Program Quality Assurance (PQA), and the Bureau of Special Education Appeals (BSEA).

This *Massachusetts Students with Disabilities Annual Report 2002-03* is an analysis of selected federal and state activities planned, communicated, conducted, and reviewed during the past year. This year's report concentrates on seven major areas: (1) Disseminating Information - detailing the information forums, or ways that MA DOE communicated with school districts and other constituent groups; (2) Comprehensive System of Personnel Development - highlighting various opportunities available for staff to professionally advance throughout the year; (3) Statewide Special Education Data - offering demographic information on students with disabilities, as well as describing improvements to the reporting system; (4) Massachusetts Comprehensive Assessment System (MCAS) and Alternate Assessment - providing participation and performance levels of students with disabilities tested in both the MCAS test and the Alternate Assessment; (5) Funding - examining federally-funded grant programs, a financial summary of school district spending for special education, the new Circuit Breaker program, and funding from the Municipal Medicaid program; (6) Educational Collaboratives - detailing their contribution to professional development and their influence on policy design; and (7) Compliance - summarizing dispute resolutions through PQA and appeals through BSEA and outlining the Commonwealth's continuous improvement plan for special education.

## SECTION 1: SELECTED DATA POINTS

- 15.15% of the Massachusetts public school population were reported to be students with disabilities in school year 2002-03, representing a decrease from 2001-2 (15.3%).
- There have been multiple changes in the collection of data on students with disabilities including a shift from an aggregate collection to a student-level collection in school year 2001-02 and evolving definitions of special education data elements over time.
- Over the last two years, the data in the race categories of students with disabilities remained relatively stable with the majority of the students reported to be White.
- Consistently, males were more likely to be reported as students with disabilities than females. In school year 2002-03, male students constituted 66 percent of the reported students with disabilities whereas female students only comprised 34 percent of the students with disabilities.
- More than half of all reported students with disabilities in Massachusetts were indicated to have Specific Learning Disabilities, consistent with national percentages for students with Specific Learning Disabilities.
- Many of the students placed in a General Education environment or a Resource Room in school year 2002-03 were indicated to have moderate or high levels of need.
- In school year 2002-03, student performance across most of the tested grades and in both the standard and alternate versions of the MCAS improved significantly in English Language Arts and Mathematics.
- Direct and indirect special education spending as a percentage of all education spending has remained stable over the years at 21 percent (FY99 to FY02 estimated).

## SECTION 2: DISSEMINATION OF INFORMATION

### INFORMATION FORUMS

From October 1, 2002 to October 31, 2003, the MA DOE's office of Program Quality Assurance (PQA) sponsored statewide informational and educational meetings throughout the Commonwealth. In 24 discussion groups/meetings held during this review period, approximately 500 Special Education Administrators, Directors of Collaboratives, and/or Private School Directors attended. All participants received and provided feedback on policies and procedures related to special education to ensure ongoing information exchange for all school districts, Collaboratives, and approved special education schools. These informational forums have become annual activities and represent one means of keeping administrators of special education programs and schools informed about current and ongoing initiatives.

In addition to PQA's forums on compliance, Special Education Planning and Policy Development Office (SEPP) conducted several spring conferences in

March, April, and May of FY03 addressing training and policy issues. The sessions familiarized stakeholders on the progress of the reauthorization of the federal special education law and, in small group sessions, presented a strategic training model for writing effective and measurable Annual Goals, Objectives and Benchmarks for students' IEPs. Over 800 participants (special education administrators, teachers, related service providers, and agency and higher education representatives) attended the conferences.

The Information Services Unit of the Department also conducted several training activities to familiarize school districts with new special education data elements incorporated into the individual Student Information Management System (SIMS). These workshops were part of an ongoing and systemic effort to update and improve the quality of the educational and special educational data used by the Commonwealth for policy discussion and direction. Close to 450 participants were present at the seven statewide training sessions.

## SECTION 3: COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

The Massachusetts Department of Education utilized federal funds to strengthen partnerships with student-serving agencies, local school districts, parents, individuals with disabilities and their families, teachers, institutions of higher education, and service organizations. Selected areas of personnel development are detailed below.

### PROJECT FOCUS

"Project FOCUS" guided statewide efforts toward ensuring qualified and informed special educators, general educators, and parents in meeting the federal requirements for a Comprehensive System of Personnel Development (CSPD). During its third year, the four major partners, (the Massachusetts Department of Education, the Massachusetts Department of Public Health, the Federation for Children with Special Needs, and the Institute for Community Inclusion at University of Massachusetts) continued to build a cohesive network of programs.

#### *Initiative 1: Empowering Special Educators as Leaders*

During school year 2002-03, Project FOCUS made available a competitive grant program totaling nearly \$63,000. The Empowering Special Educators as Leaders (Fund Code 247) grant was developed to build a cadre of special educator direct service leaders in Massachusetts. This grant made funds available for 16 teacher-led teams to develop and implement effective practices to promote positive classroom climates that resulted in improved outcomes for students with disabilities. The grant also made funds available for special educators who further developed their leadership skills by the dissemination of the model developed through the FY02 funded Project FOCUS. This program was successful in mobilizing groups of stakeholders in making policy and program improvements in special education practices at the local level, and fits into overall efforts to build leadership capacity and skills in special education and to provide opportunities for advancement and growth within the field.

#### *Initiative 2: Massachusetts's Comprehensive System of Personnel Development (CSPD) Training Project*

The Massachusetts CSPD Training Project was developed by the MA DOE as a train-the-trainer model of professional development in which the MA DOE provided sessions on training modules that assisted the 40 largest school districts and other agencies to provide high quality professional development in special education and related topics. Several of the CSPD trainers are under contract with the MA DOE to provide workshops and ongoing training at the local level for other school districts and educational programs. The DOE also sponsored team-based summer IEP workshops to (1) support educators and parents in writing improved IEPs; (2) familiarize educators and parents with laws and regulations that govern the IEP process; and (3) create an understanding of the Team process and the role of the individual. Team member.

#### *Initiative 3: National Capacity Building Institute*

The MA DOE funded teams from Springfield, Cambridge, Barnstable, Boston, and Malden to participate in the National Capacity Building Institute, sponsored by the National Center on Secondary Education, the National Center for the Study of Post-Secondary Educational Supports, and the Institute for Community Inclusion. The conference's theme was coordination and management of supports and services for individuals with disabilities from secondary to post-secondary education and employment. This activity is part of an ongoing state priority in the area of transition for secondary level students to post school and adult life.

#### *Initiative 4: "Advancing the Field"*

Linking Early Learning Services and Early Intervention, Massachusetts continued in its third year of the initiative "Advancing the Field". This initiative partnered institutions of higher education and other training organizations in activities to develop and implement teacher preparation programs in the field of early education and care. The initiative seeks to create a more valued career path and to increase the quality and availability of teachers in the field who work with infants, toddlers, preschool and school-aged children in an inclusive setting.

#### *Initiative 5: Northeast Regional Center for Vision Education at UMASS Boston*

Massachusetts and six other northeastern states, with assistance from the federal Office of Special Education Programs (OSEP), contributed funding for the development of the North East Regional Center for Vision Education at UMASS Boston. The successful development of this multi-state initiative creates a regional center that is the only training center in the northeast for teachers of the visually impaired and for orientation and mobility instructors.

## SECTION 4: STATEWIDE SPECIAL EDUCATION DATA

### GENERAL STATISTICS & LIMITATIONS

Section 4 provides general state statistics and focuses on four major areas: race/ethnicity and gender trends, related services, disability analyses, and placement/environment examinations.

Figure 1 highlights changes in the overall rate of students with disabilities reported by districts over the last 12 years. Although the actual count of students fluctuated over the years, as seen in Table 1, the proportion of students with disabilities, or percent out of the total student population, steadily decreased (Figure 1).

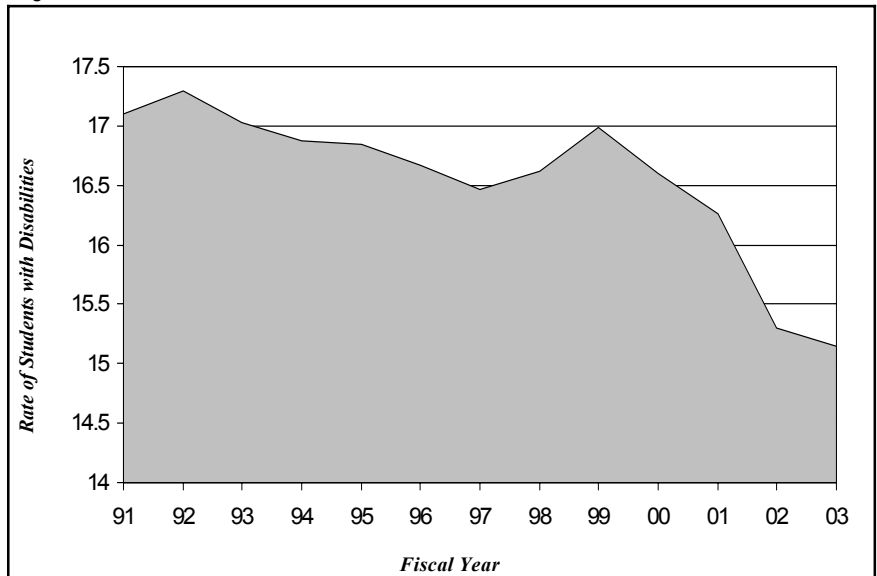
The data fluctuations may have resulted from a combination of changes in data collection, changes in reporting requirements, and changes in the enrollment calculation, particularly over the last two years. However, during a time period when most states were experiencing increasing rates of identification of students with disabilities, Massachusetts' rates were an indication of efforts to decrease inappropriate identification of students with disabilities.

#### Changes in Data Collection

In School Year 2001-02, the MA DOE moved from an aggregate collection of data to a student-level collection. The new Student Information Management System, or SIMS, required that each district provide specific information on individual students rather than submitting a district summary, as was the practice previously. By using a unique student identification number, the MA DOE was able to track the services provided to individual students, and follow the movement of students across districts.

The adoption of this new system had many positive effects including: reducing duplicate records, increasing the accuracy of district reports, and enhancing the State's ability to validate, adjust, and refine its data at both the student and aggregate levels. However, it should be noted that longitudinal comparison of data will be affected by these improvements in the collection of data. Additionally, adoption of SIMS has resulted in improvements in other areas of the data collection process.

Figure 1: Rate of Students with Disabilities: 1999 to 2003



\*October 1 data

Table 1: Students with Disabilities: 1991 to 2003

School Year	Total Special Education Enrollment	Total Enrollment	Percent Special Education
2002-03	150,551	993,463	15.15
2001-02	150,003	980,342	15.30
2000-01	160,369	986,017	16.26
1999-00	162,454	978,619	16.60
1998-99	164,925	970,491	16.99
1997-98	159,042	956,851	16.62
1996-97	155,128	941,727	16.47
1995-96	153,912	922,941	16.68
1994-95	151,843	901,834	16.84
1993-94	149,431	885,320	16.88
1992-93	147,727	867,476	17.03
1991-92	147,732	854,084	17.30
1990-91	144,707	842,163	17.10

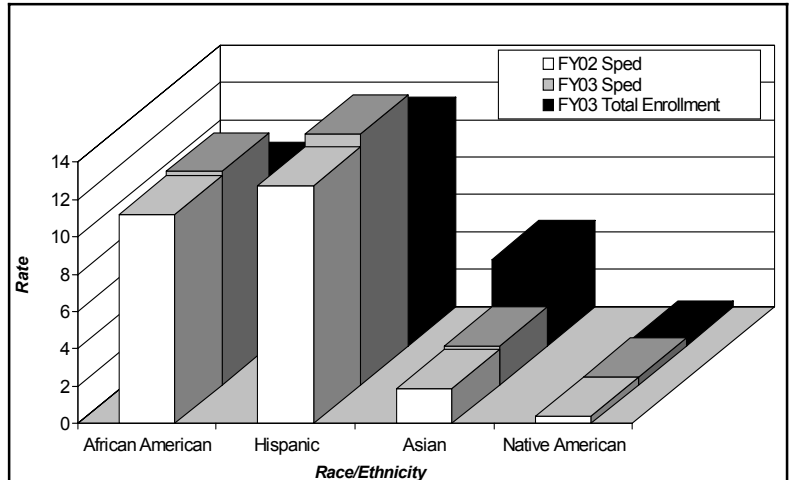
\*October 1 data

Therefore, use of data for policy development must be accompanied by a careful consideration of when and how the data was collected, reported, aggregated, and analyzed, both at the local level and at the state level.

RACE/ETHNICITY AND GENDER

Figure 2 examines the rates of specific races/ethnicities of students with disabilities as compared to such rates for the entire student population for school years 2001-02 and 2002-03. FY03 total enrollment is shaded in black in Figure 2 to compare special education race rates over the last two years to the overall total population race rates for the current school year. It should be noted that the race/ethnicity category “White” was not included in Figure 2 since the majority of students with disabilities (approximately three-quarters) as well as the majority of the total enrollment consisted of White students. Therefore, trends on White students are determined from Table 2 which details the rates of students identified as a particular race/ethnicity and gender as well as displays the rates of the total adjusted enrollment.

Figure 2: Rates by Race/Ethnicity: 2002 to 2003



\*October 1 data

Overall, although the total number of reported students with disabilities from 2001-02 to 2002-03 increased by 548 students, Table 2 shows that there actually was a slight decrease in the total rate of students reported to have disabilities in the State from 15.30 to 15.15 respectively.

Despite the decrease in the rate of students with disabilities reported to be White, almost all other race/ethnicity categories experienced slight increases. When measuring percent change of actual frequencies over the two years, the most evident changes were seen in the 5.6 percent increase in reported Hispanic students followed by a 0.9 percent decrease of students with disabilities reported to be White. Notably, the rate of reported African American students with disabilities for both years was higher than the reported African American total enrollment for either year. Conversely, the rate of reported Asian students with disabilities was lower than the total enrollment for either year.

This type of data was and will continue to be reviewed when considering if local identification rates for students with disabilities were higher than was expected. If data suggested disproportionate representation of some student group occurred because of inappropriate or incorrect practices, then the local district was asked to address corrective actions in that area. The federal government has identified the need for appropriate investigation of disproportionate representation as a key policy area. Massachusetts’ efforts in this area have been recognized and commended at the national level.

In an additional data point, the ratio of male to female students with disabilities remained relatively stable over the two years with males representing approximately 66 percent of the population of students with disabilities and females representing 34 percent. However, consistent with national figures, this rate differed greatly from the total enrollment ratio of male to female students at about 51 percent male to 49 percent female.

Table 2: Enrollment and Rates by race: 2002-2003

	Native American	African American	Asian	Hispanic	White	Male	Female	*TOTAL RATE
2001-02 Rate of Sped	0.4%	11.2%	1.9%	12.7%	73.7%	65.9%	34.1%	15.30
2001-02 Rate of Total Enrollment	0.3%	8.6%	4.5%	10.8%	75.7%	51.4%	48.6%	—
2002-03 Rate of Sped	0.4%	11.4%	2.1%	13.4%	72.8%	65.7%	34.3%	15.15
2002-03 Rate of Total Enrollment	0.3%	8.8%	4.6%	11.2%	75.1%	51.4%	48.6%	—

\*TOTAL RATE represents the rate of students with disabilities out of the adjusted enrollment.

\*October 1 data

## RELATED SERVICES

During the summer of 2000, statutory changes to Chapter 71B changed particular elements of the eligibility requirements for special education. A new provision allowed students to be found eligible for special education if they: (1) had a disability; (2) the disability was causal to an inability to make effective educational progress; and (3) the student required either specially designed instruction or *related services that were necessary to access the general curriculum*. Under former requirements, the third criterion had been that the student required special education, defined then solely as specially designed instruction. Previous requirements only allowed the provision of related services if they were necessary for the student to benefit from the specially designed instruction. A need for related services only would not have resulted in a finding of eligibility prior to the summer of 2000. Upon the statutory change, the Department began to request that school districts identify when a student was found to be eligible for special education solely because he or she required re-

lated services in order to access the general curriculum. This information was requested as a means of identifying the impact of this statutory change in eligibility requirements and to report on this impact.

School year 2001-02 was the first year of complete information on the numbers of students eligible under this provision as compared to students eligible under former provisions only. Of the 150,000 students eligible for special education in school year 2001-02, 5.0 percent (7,476) were identified as eligible using this new provision redefining special education. Slightly increasing, of the students with disabilities reported in school year 2002-03, 5.5 percent (8,208) were found eligible using the new provision. Anecdotally, school personnel reported confusion as to the application of this new provision, as well as confusion in the reporting. Therefore, the data reported may more closely reflect an approximation of the effect on the eligibility process in Massachusetts.

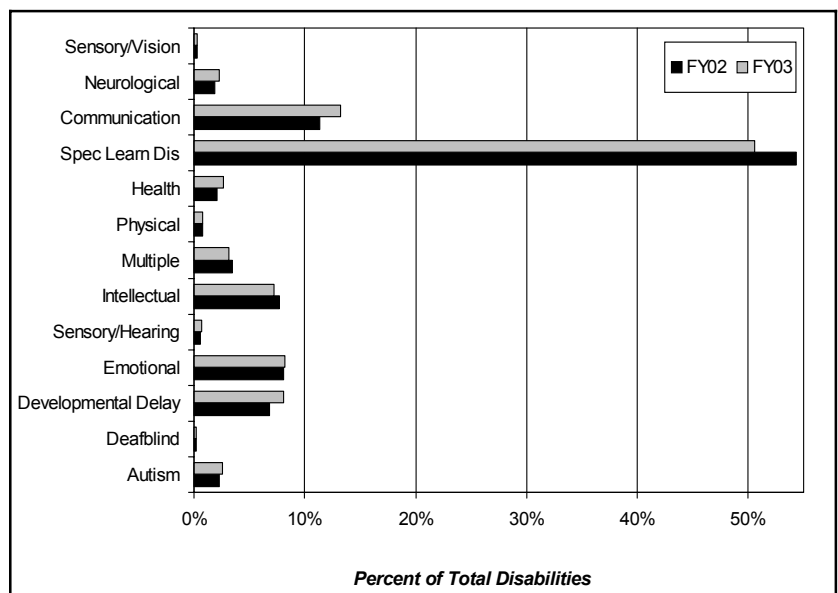
## DISABILITY ANALYSIS

IEP Teams were first required to determine specific primary disabilities for students in the fall of 2000 as a result of changes in the state special education regulations. Therefore, specific disability information was not available at the local level until the following year and not collected by the state until 2001-02. Prior to that time, disability data for federal reporting were calculated through an application of a formula developed from a 1992 study that reported the ratio for any specific disability according to the formula thus more accurately mirroring enrollment fluctuations than actual counts of students by disability.

In school year 2001-02, the Department, began to collect disability data through SIMS. However, local school districts identified students through the Team process over a phased in three year period. Therefore, it is only as of the 2003-04 school year that the data on students by disability can be considered fully phased in. Comparisons of such data in FY02 and FY03 represent best information to date only.

Figure 3, which categorizes the percent of students with disabilities by the equivalent disability for school year 2001-02 and school year 2002-03, shows that each category maintained relatively the same rates of disability types over the two years with the majority of students being categorized as having a Specific Learning Disability. Each other category reported 13 percent or fewer students with disabilities.

Figure 3: Disability Rates: 2002 to 2003



\*December 1 data

The data suggest that there was an inverse relationship between fluctuations in the categories of Communication and Specific Learning Disabilities. Although not statistically significant due to the large number of students in these fields, the numbers of students identified as having a primary disability of Specific Learning Disabilities decreased approximately 3,000 students over the two years. Inversely, students reported to have a Communication Disability increased by 3,000 students. Although it is unclear why such a shift would occur, future data analysis will consider this movement in greater detail if it begins to show as a pattern over time.

## DISABILITY ANALYSIS

In its second year of collecting student-level data, Massachusetts attempted to identify the level of need demonstrated by students with disabilities. This information was derived from a careful look at a combination of factors including the amount of services that the student received, where those services were provided (within and outside the general education environment), and characteristics of the service provider(s). School districts were provided with administrative assistance in making judgments about the student's level of need and were involved in the original discussion on how to develop such a scale. The purpose of the "level of need" characterization was to identify how well students with complex disabilities were being included in less restrictive settings and, conversely, how often students with low levels of need were being served in more restrictive settings. On a local level, this characterization can be used to help explain special education budgets to school committees.

Table 3 provides additional detail on the level of needs of students with disabilities by each disability category for the school year 2002-03 and reveals that the levels of need differed greatly according to disability. The high level of need category only represented 23 percent of students with disabilities. However, within the high level of need group, over 50 percent of need level were identified as "High" in the categories of Intellectual, Sensory/Hearing, Emotional, Sensory/Deaf-blind, and Multiple Disabilities. The categories of Communication, Health, Specific Learning Disabilities, and Neurological Impairments each had over 50 percent of their students categorized as having a moderate level of need. No categories maintained the majority of the students reported as a low level of need.

Overall, the majority (57 percent) of students with disabilities were categorized as having moderate levels of need whereas both the low and high levels of need categories only constituted approximately 20 percent each of the students with disabilities. More specifically, the moderate level of need category itself was mostly comprised of students reported to have Specific Learning Disabilities.

Figure 4 details the state level of need reported by districts over the last two years. The rates of each category appeared similar for school year 2001-02 and for school year 2002-03 with approximately 20 percent

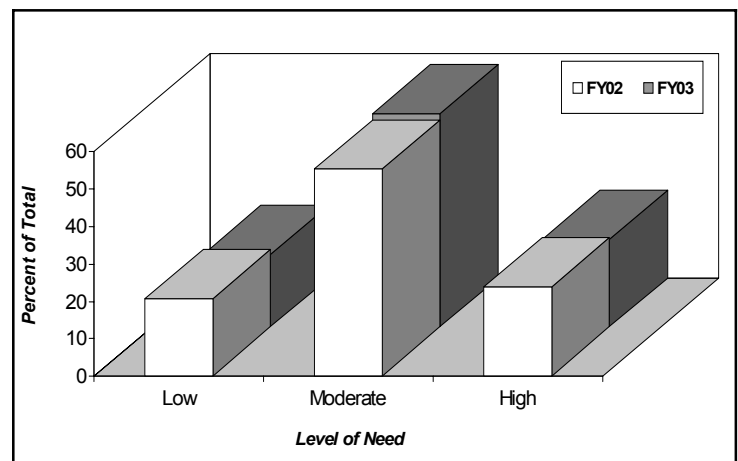
Table 3

Level of Need : 2002-03				
	Low	Moderate	High	Total
Intellectual	755	4,299	6,103	11,157
Sensory/Hearing	109	395	526	1,030
Communication	6,532	11,379	2,563	20,474
Sensory/Vision	104	216	131	451
Emotional	854	3,653	8,188	12,695
Physical	369	608	258	1,235
Health	788	2,889	518	4,195
Specific Learning Disabilities	17,598	53,336	7,546	78,480
Sensory/Deaf-blind	41	110	187	338
Multiple Disabilities	303	1,555	3,039	4,897
Autism	168	1,153	2,759	4,080
Neurological	560	2,259	819	3,638
Developmental Delay	2,076	6,821	3,637	12,534
<b>Total (All Disabilities)</b>	<b>30,257</b>	<b>88,673</b>	<b>36,274</b>	<b>155,204</b>

\*December 1 data

low, 55 percent moderate, and 25 percent high levels of need for each year. A slight decrease (from 20.7 percent in FY02 to 19.5 percent in FY03) of students reported to be low level of need was seen over the two years whereas a slight increase in the moderate level of need category emerged (from 55.4 percent in FY02 to 57.1 percent in FY03).

Figure 4: State Level of Need: 2002 to 2003



\*December 1 data

## PLACEMENT ANALYSIS

In order to gain a comprehensive understanding of the actual fluctuations in placement data, one must appreciate the effects of the evolution of placement definitions over the years and how this progression forces certain sets of data to not be easily comparable. This section conceptualizes the definitions and changes in categorization of each placement over the last twelve years.

### Changes in Placement Definitions

Although most of the placement category definitions remained relatively the same from prior definitions to the FY03 collection, the full-inclusion category (502.1) changed over the years. **FY02 and prior** determined that "General Education 100%" referred to those students who received all of their education in a general education environment 100 percent of the time and did not require removal at any point in the day for additional services. In **FY03**, however, the full inclusion category changed from 100 percent in general education to "General Education at Least 80 percent of the Time". This meant that districts could include students who were receiving the majority of their education in the general education environment but who were removed for less than 20 percent of the time to receive services outside of the general education. This change in definition was necessary to conform to national standards related to identifying students in fully inclusive settings. Crosswalking the data as they changed over the two year period is visually represented in Figure 5. It is anticipated that Massachusetts' data on placements will be fully comparable to other states from FY04 onwards.

Table 4 defines the environment in which students with disabilities received education and services at public expense from school year 1991-99 to 2002-03. Overall, the last two years of data are generally reflective of one another in each other category reported. Placement data demonstrate that in school year 2002-03, 17,595 students with disabilities received special education services for the majority of their day in the general education classroom. Commonly, it had been considered that these students were most likely students with mild disabilities since all accommodations or services were provided within the general education classroom. However, with the availability of level of need information (see Figure 6), considerable variation in the level of need of students in full inclusion programs became evident.

Figure 5: Placement Cross Walks

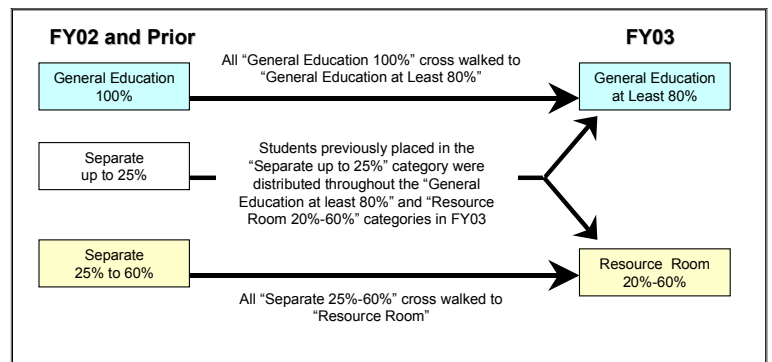
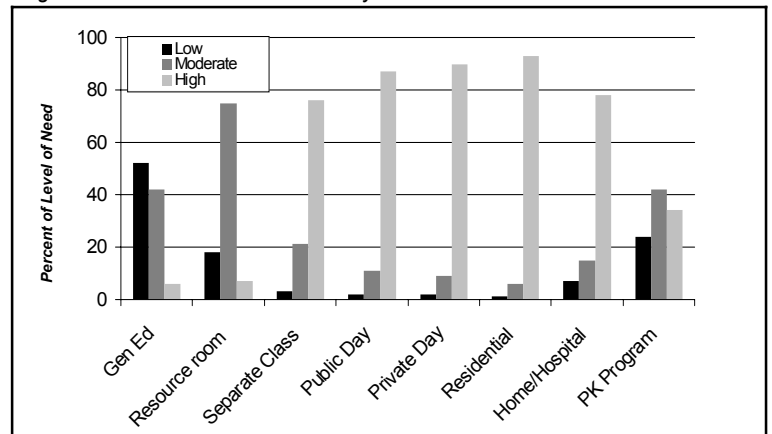


Figure 6: Percent of Level of Need by Placement: 2002-03



Of the 17,595 students identified as receiving services in the general education classroom for up to 80 percent of the time in FY03, approximately half of the students were reported to have a low level of need, almost 42 percent were reported to have a moderate level of need, and six percent were indicated to have a high level of need. Clearly, many students with complex disabilities were included fully in the general education classroom of their age peers, demonstrating that Massachusetts' schools have responded to the requirement that students with disabilities should be educated in the least restrictive environment. It is interesting to note that some students in the most restrictive settings were reported to have low levels of need. This finding, if it continues over time, deserves a closer review to determine if the information was accurately reported, and, if so, what circumstances prompt Teams to identify more restrictive settings for such students.

School Year	General Education (502.1)	Resource Room (502.2)	Separate Class (502.3)	Public Separate Class (day) (502.4)	Private Separate Class (day) (502.5)	Residential Facilities (502.6)	Home/Hospital (502.7)	Programs for Children 3-4 years of Age (502.8)	Total Special Education Enrollment	Total Enrollment	Percent Special Education	
2002-03	17,595	94,113		21,907	3,054	4,851	1,306	176	7,549	150,551	993,463	15.15
*2001-02	19,296	91,915		21,698	3,002	4,959	1,368	213	7,552	150,003	980,342	15.30
2000-01	20,314	97,895		23,111	3,174	5,129	1,295	447	9,004	160,369	986,017	16.26
1999-00	21,735	76,930	21,840	22,656	2,871	5,088	1,271	461	9,602	162,454	978,619	16.60
1998-99	25,760	76,986	20,715	22,438	2,707	4,919	1,226	585	9,589	164,925	970,491	16.99

\* Indicates the first student-level collection.

## SECTION 5: MCAS AND ALTERNATE ASSESSMENT

According to state and federal regulations, all students, including those with disabilities, are required to participate in statewide assessment either by taking the Massachusetts Comprehensive Assessment (MCAS) test, with or without accommodations, or by participating in the Alternate Assessment. A student's Individualized Education Program (IEP) Team is responsible for determining whether the student should take the standard MCAS tests under routine conditions, take the standard MCAS tests with appropriate accommodations, or participate in the Alternate Assessment. Alternate Assessments are intended for a very small number of students with complex disabilities, often cognitively impaired, who are unable to take MCAS tests, even with accommodations, due to the nature and complexity of their disabilities.

Table 5

English Language Arts: 2002 to 2003				
	2002		2003	
	Gen Ed	SPED	Gen Ed	SPED
Gr 3	63,341	10,810	62,426	11,516
Gr 4	63,233	11,785	62,655	12,220
Gr 7	63,870	12,730	65,837	13,219
Gr 10	55,979	9,452	58,545	10,238
<b>Total</b>	<b>246,423</b>	<b>44,777</b>	<b>249,463</b>	<b>47,193</b>

Table 5 and Table 6 illustrate the number of general education students and students with disabilities who participated in the English Language Arts and Mathematics exams, both in the MCAS and in the Alternate Assessment tests combined. In the spring of 2003, approximately 47,000 Massachusetts students with disabilities participated in the sixth administration of system testing in English Language Arts, of which 5.9 percent took the Alternate Assessment. Similarly, almost 49,000 students participated in the Mathematics MCAS Assessment, of which 5.8 percent took the Alternate Assessment. In total, 98.8 percent of all students with disabilities in the tested grades participated in the MCAS English Language Arts and Mathematics in FY03.

Table 6

Mathematics: 2002 to 2003				
	2002		2003	
	Gen Ed	SPED	Gen Ed	SPED
Gr 4	63,787	11,899	62,874	12,299
Gr 6	65,557	13,019	64,848	12,977
Gr 8	62,739	12,274	65,096	13,098
Gr 10	56,884	9,756	58,989	10,410
<b>Total</b>	<b>248,967</b>	<b>46,948</b>	<b>251,807</b>	<b>48,784</b>

### Performance

To monitor the requirements of the *No Child Left Behind Act* that all students achieve proficiency in the two primary content areas by school year 2013-14, this section provides the performance levels in English Language Arts and Mathematics of students with disabilities from school year 2001-02 to school year 2002-03 who participated in MCAS testing or Alternate Assessment testing.

Over the two years depicted in Figure 7 and in Figure 8, the percentage of students with disabilities performing at the two highest performance levels, advanced or proficient, has substantially improved. Overall, in school year 2002-03, almost all grades in both testing areas performed considerably higher than the prior year of testing, particularly in the performance levels of those students who took the Mathematics tests in grade 10.

There have been additional advancements in the other performance levels of students taking the Alternate Assessment only. The percentage of students scoring *Incomplete* on the Alternate Assessment dropped from 44 percent in 2001-02 to 19 percent in 2002-03, and the percentage scoring *Progressing* rose from 34 percent in 2001-02 to 62 percent in 2002-03.

Figure 7: Advanced or Proficient in English Language Arts: 2002 to 2003

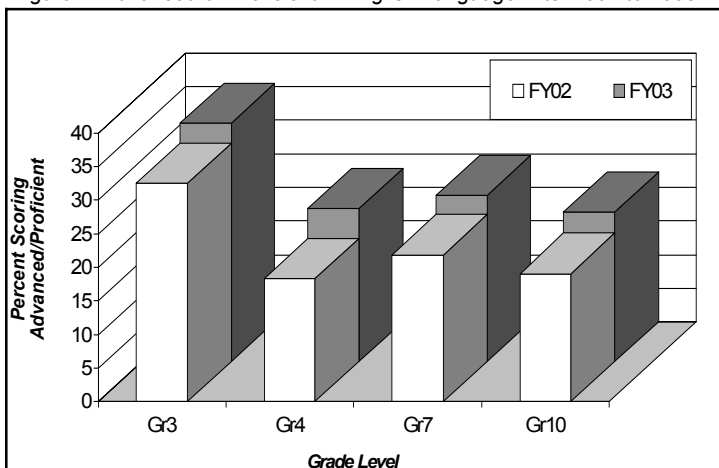
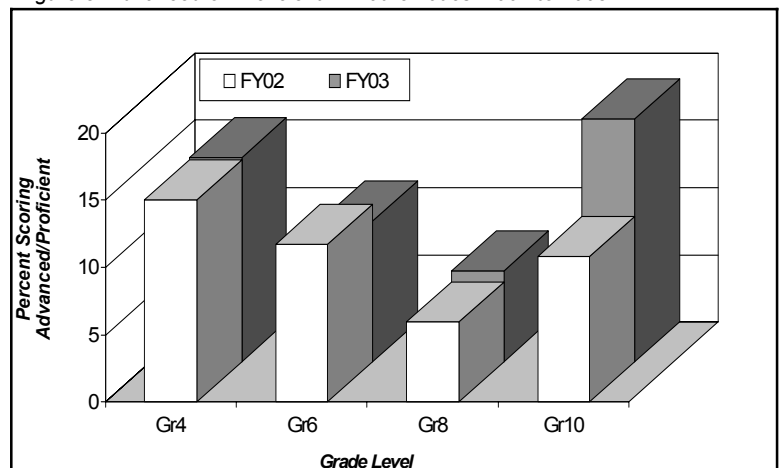


Figure 8: Advanced or Proficient in Mathematics: 2002 to 2003



## SECTION 6: FUNDING

### FEDERALLY-FUNDED PROGRAMS

The Massachusetts Department of Education offered entitlement and discretionary grant programs to school districts, collaboratives, and approved private special education schools each year. The funding source for such programs is federal special education funds. In FY02, grant programs funded amounted to \$175,553,671. The 2003-04 planning for grants is projected to be \$204,245,091, an increase of almost \$30 million from FY03.

#### FINANCIAL SUMMARY

As seen in the financial summary analysis for FY99 through FY02 (estimated) in Table 7, data show that although special education spending has increased, so has general education spending. The overall special education spending as a percent of the education budget has remained stable at about 21 percent.

#### CIRCUIT BREAKER

The Commonwealth of Massachusetts has developed a new program intended to provide financial relief for school districts that incurred unusually high costs in educating students with disabilities. The new special education reimbursement program, known as the "Circuit Breaker", began its implementation in July 2003.

The "Circuit Breaker" law envisioned that Massachusetts would reimburse a school district for 75 percent of the tuition and/or instructional costs for a student with disabilities when that student's costs exceed four times the state average foundation budget, or in FY04, \$29,320. The Circuit Breaker program replaced the State's "50-50" program, which had required the state to pay 50 percent of the costs of out-of-district, residential placements.

Although funding for the "Circuit Breaker" is subject to appropriation, it represents a significant increase in funding for special education, with an increase of approximately \$50 million in the appropriation for FY04 as compared to the appropriation for the "50/50" account in FY03. This new reimbursement program had an intensive development period with districts submitting their first claims during the first quarter of FY04. As of the date of this report, the final reimbursement rate does not appear to be the full 75% intended, and is estimated at approximately 35%. Early claiming indicates over 10,000 students whose program can be considered high-cost as compared with the approximate 1,400 students who received tuition in the 50/50 Program.. FY04 is the first year of this reimbursement program. Given the lack of accurate estimates of the costs of this program, activities as of the date of this report focused on verification of the data provided in the claiming process as well as a review of the initial claiming procedures.

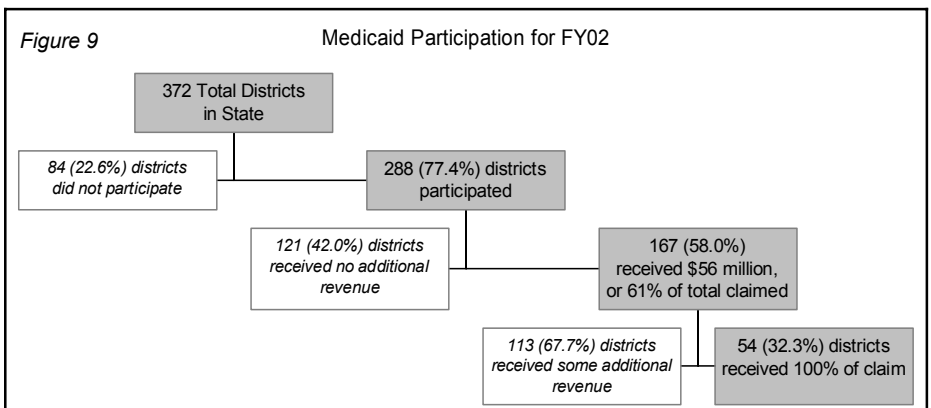
	FY99	FY00	FY01	FY02
Total Direct Sped (General)	\$1,165,356,845	\$1,267,053,392	\$1,369,916,919	\$1,437,530,069
Indirect Attributable to Sped (General)	\$378,129,188	\$375,543,683	\$428,638,106	\$444,467,632
Total Sped (General -from EOY report)	\$1,543,486,033	\$1,642,597,075	\$1,798,555,025	\$1,881,997,701
State Share	39.90%	40.70%	40.70%	41.00%
Total Education (General)	\$7,278,331,141	\$7,820,603,169	\$8,402,926,521	\$8,949,972,080
Sped Direct & Indirect Pct of Total	21.20%	21.00%	21.40%	21.00%
Other Sped Spending - federal grants	\$90,319,645	\$103,492,490	\$120,901,670	\$157,527,803
Other Sped -State Grants and Local Revolving	\$12,635,932	\$12,594,412	\$13,764,590	\$15,043,492
<b>Total Sped spending - All Funds</b>	<b>\$1,646,441,610</b>	<b>\$1,758,683,977</b>	<b>\$1,933,221,285</b>	<b>\$2,054,568,996</b>

#### 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 chose to share such revenue with the school districts, in whole or in part.

Out of the 372 public school districts in Massachusetts in FY02, 288 (77 percent) filed claims for a total of approximately \$92 million through the Municipal Medicaid program (Muni-med) (see Figure 9). End of the Year financial reporting from school districts indicates that, in FY02, of the participating districts, 167 received revenues totaling approximately \$56 million from their respective municipalities as a result of filing Municipal Medicaid claims. The remaining 121 districts did not report Medicaid revenue in their End of Year report. Of the 167 districts who received revenue from the municipality, 54 districts reported Medicaid sums indicating that the municipality returned all of the Medicaid revenue to the school district, and the remaining 113 districts received a share of the Medicaid revenue, but not the full amount. Overall, the 167 districts who reported receiving Medicaid revenue reported sums amounting to approximately 61 percent of the total costs claimed.

In FY03, 289 (77 percent) of the public school districts filed Municipal Medicaid claims for a total of approximately \$80 million. The total revenue received by districts is not yet available.



## SECTION 7: EDUCATIONAL COLLABORATIVES

Educational Collaboratives in Massachusetts are voluntary, joint endeavors that involve the partnering and approval of local districts that complement and strengthen current programs and increase educational opportunities for students. Collaboratives may provide services both within a school building and/or in a building completely separate from the regular education environment.

In FY03, there were 32 identified Educational Collaboratives that served approximately two percent of students with disabilities. Educational Collaboratives reported regular and ongoing development of new programs, and professional development opportunities to meet the needs of their 246 member school districts (75% of all districts). Over the summer of 2003, the Department of Education's Content Institutes program included several special education institutes managed by Educational Collaboratives. The following were topics addressed during the summer of 2003:

- *Increasing Paraprofessional Effectiveness* (3) provided by Boston University, Fitchburg State College in collaboration with Mt. Wachusett Community College and FLLAC and CAP Educational Collaboratives, and the Lower Pioneer Valley Educational Collaborative

- *The Transition Process for High School Students with Disabilities* (3) provided by Hampshire Educational Collaborative, and Institute for Community Inclusion/UMass, Boston
- *Special Education Leadership Academy* (1) provided by ACCEPT Educational Collaborative in collaboration with Massachusetts Association for Administrators of Special Education
- *Assistive Technology and Universal Design* (3) provided by Massachusetts Elementary School Principals' Association (MESPA), Hampshire Educational Collaborative, and the Center for Special Education, Lesley College

Additionally, Educational Collaboratives worked to have a presence in policy-making activities including serving on many advisory groups that addressed special education issues. Of note, the Department of Social Services convened a workgroup comprised of representatives from schools, the Department of Education, and Collaboratives, to address interagency relationships, particularly with the Department of Social Services. The workgroup developed a pilot project for FY04 that will utilize a Collaborative as an intermediate educational unit in order to facilitate communication and interaction between DSS and the Collaborative member school districts.

## SECTION 8: STATE AND FEDERAL STANDARDS AND COMPLIANCE

### DISPUTE RESOLUTIONS

Table 8

Table 8 shows dispute resolution activity conducted as part of the Department's Program Quality Assurance Unit activities. It should be noted that the 1,196 inquiries made in FY03 from the public related to allegations of inappropriate or illegal actions regarding educational laws and regulations represented a decrease as compared to the prior two fiscal years.

Although data prior to this time are unavailable in this format, the decrease in requests for dispute resolution is a significant area of interest. Of the 1,196 intakes, 803 were special education related concerns (67 percent). Only 234 special education intakes (29 percent) required an investigation pursuant to a signed complaint. The majority (70 percent) of those resulted in findings of non-compliance as contrasted with 55 percent resulting in findings of non-compliance in FY02. The rate of findings of non-compliance for the special education investigations do not, at this time, represent a trend.

Dispute Resolutions: 2001 to 2003			
	July 2000-June 2001	July 2001-June 2002	July 2002-June 2003
Telephone and written intakes in all regulated program areas	1,423 (36% increase over FY00)	1,565 (10% increase over FY01)	1,196 (23% decrease from FY02)
Special education intakes included in total number of intakes above	952 (67% of all intakes and a 51% increase over FY00)	1,089 (70% of all intakes and a 14% increase over FY01)	803 (67% of all intakes and a 26% decrease from FY02)
Investigations conducted pursuant to all signed special education complaints	367 (39% of all special education intakes)	524 (48% of all special education intakes)	234 (29% of all special education intakes)
Investigations of all signed special education complaints resulting in a finding of non-compliance	274 (75% of all special education investigations)	289 (55% of all special education investigations)	165 (70% of all special education investigations)

## BUREAU OF SPECIAL EDUCATION APPEALS (BSEA)

During school year 2002-03, the Bureau of Special Education Appeals (BSEA) received 5,013 rejected IEPs, reflecting a decrease of 127 from the prior fiscal year. Upon receipt of a rejected IEP, the BSEA sent information to the parent or legal guardian on options for dispute resolution.

There were approximately 650 mediations conducted by the seven BSEA mediators during fiscal year 2003 concerning special education and Section 504 matters. This reflects a nine percent increase from the prior year. Eight-five percent of the mediations conducted resulted in written agreements.

There were 647 requests for hearings received by the BSEA during fiscal year 2003. BSEA hearing officers conducted full hearings resulting in 27 decisions, with extensive written rulings issued in at least 32 additional cases. Of the remaining cases, they were either resolved prior to proceeding through the formal hearing process, or subsequent to the onset of the hearing. It should be noted that hearing officer involvement was significant in the vast majority of the cases, even if a decision was not rendered.

Of the 27 hearings that resulted in decisions, parents prevailed in seven (26 percent), school districts prevailed in 13 (48 percent), five cases (19 percent) resulted in mixed relief between parents and school districts, and another agency prevailed in two cases (seven percent). Of the 32 extensive written rulings issued, parents prevailed in seven (22 percent), school districts prevailed in 11 (34 percent), mixed relief was granted in one (three percent), and 13 (41 percent) fell into the "other" category. ("Other" reflects cases in which a state agency may be involved or a dispute exists between two school districts.)

Issues frequently presented to the BSEA in mediations and hearings included, but were not limited to the following: appropriateness of the IEP or proposed program; entitlement to compensatory services and/or reimbursement; out of district or private placement; eligibility for special education services; evaluation issues; extended year programs; residential placement; discipline; joinder of state agencies and/or private schools; "stay-put" determinations; procedural violations; non-compliance with previous mediation/settlement agreements; programmatic, fiscal and transportation responsibility; and Section 504.

## CONTINUOUS IMPROVEMENT PLAN

Each year, MA DOE reviews and revises a Continuous Improvement Plan (CIP). The CIP, first developed in FY01 as a response to findings by the U.S. Office of Special Education Programs (OSEP), has become a tool used by stakeholders and the Department of Education to focus on key areas of needed improvement and to develop, implement, and evaluate strategic plans that are geared towards improving the State's activities and procedures related to students with disabilities.

This past year, the MA DOE developed 12 working groups to review the CIP areas and to ensure that continuous improvement actions had the involvement and awareness of the variety of stakeholders working in the special education process. Totalling over 300 participants, members of the statewide Steering Committee as well as various constituent groups and community members met regularly to review monitoring and compliance data related to areas of interest. The groups had many functions including compiling ideas relating to compliance issues, developing systematic activities that crossed multiple CIP areas, ensuring correction of known non-compliance, promoting systematic programs such as grant activities, and focusing on targeted training events.

MA DOE continues to identify priority needs each year through a stakeholder involvement process. Additionally, activities aimed at understanding how data could be used to identify areas of concern as well as to monitor progress are a high priority in Massachusetts. Table 9 identifies focus areas and priorities for Massachusetts for FY04.

Table 9: Continuous Improvement Plan Focus Areas

Focus Area	FY04 Status
Parent Participation in Meetings on Educational Decisions for Their Child	If 93% compliance is met for two years in a row, parent involvement will be removed from CIP focus.
Special Education and Related Services to be Provided in Accordance with Identified Needs: IEP Development	Continued priority for FY04.
Lack of Integration Opportunities for Children with Disabilities Placed in Separate Educational Environments	Priority area for FY04. DOE will analyze performance data by disability by placement as a critical next step.
Opportunity for Children with Disabilities to be Involved and Progress in the General Curriculum	DOE will analyze performance data by disability by placement as a critical next step.
Opportunity for Involvement of Children with Disabilities in Vocational Education Programs	Priority for FY04.
Outcome Oriented Statements of Transition	Priority for FY04.
Statement of Transition Service Course of Study Starting at Age 14	Priority for FY04.