

Cluster Area I – General Supervision

<p>Question</p> <p>Is effective general supervision of the implementation of the Individuals with Disabilities Education Act ensured through the State education agency’s (SEA) utilization of mechanisms that result in all eligible children with disabilities having an opportunity to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE)?</p>		
<p>Goals</p> <p>Effective general supervision of the implementation of the Individuals with Disabilities Education Act is ensured through the State education agency’s (SEA) utilization of mechanisms that result in all eligible children with disabilities having an opportunity to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE).</p>		
Probe: GS. I		
Probes	A. Performance Indicators	
<p>GS.I Do the general supervision instruments and procedures (including monitoring, complaint and hearing resolution, etc.), used by the SEA, identify and correct IDEA noncompliance in a timely manner?</p>	<p>A. The general supervision policies and procedures for monitoring, complaints and hearing resolution used by the Massachusetts Department of Education (MASSDE) identify and correct IDEA non-compliance in a timely manner.</p>	
Performance Indicator A		
Baseline/Trend Data (2002-2003)	Targets (2002-2003)	Explanation of Progress or Slippage (2002-2003)
<p>A. For this performance indicator, the procedures themselves are considered our data.</p>	<p>A. MASSDE maintains general supervision policies and procedures for monitoring, complaint and hearing resolutions that result in the identification and correction of non-compliance in a timely manner.</p>	<p>A. As stated in the OSEP Data Verification Letter 10/2004 “OSEP believes that MASSDE’s systems for general supervision, with the exception noted below, constitute a reasonable approach to the identification and correction of noncompliance”. OSEP noted that “in reviewing hearing records, OSEP found that ... hearings decisions were mailed to the parties beyond the 45-day timeline”. See Probe III for data on timelines.</p> <p>MASSDE is presently developing a Focused Monitoring approach to monitoring. A preliminary selection of focus areas for monitoring has been identified by MASSDE, encompassing OSEP priority areas, MASSDE Performance Goals and Indicators, and targeted special education requirements, including the Massachusetts Continuous Improvement Plan (CIP). These areas as well as others were considered by multiple stakeholders. Focused monitoring is in development in Massachusetts.</p> <p>Instruments used for monitoring, complaint and hearing resolution can be found in Appendix A: Policy and Procedural Information on Monitoring, Complaints Management and Hearing Resolutions</p> <ul style="list-style-type: none"> • A.1 Public School Coordinated Program Review System • A.2 Approved Private Day and Residential Special Education School Program Review Procedures • A.3 Mid-Cycle Review Procedures • A.4 Civil Rights: Methods of Administration • A.5 Coordinated Program Review Cycle and Mid-Cycle Review Schedule (Sample0 • A.6 Special Education Focused Monitoring: Pilot Procedures • A.7 Problem Resolution System Information Guide

- [A.8 Hearing Rules for Special Education Appeals](#)
- [A.9 Special Education Mediation Brochure](#)

Projected Targets, Activities, Timelines, and Resources (2003-2004)

Projected Target

MASSDE will maintain existing target

Projected Activities, Timelines, and Resources

- Coordinated Program Reviews and Mid-cycle Reviews will continued to be scheduled on a six-year and three year, respectively, monitoring cycle,
- BSEA will initiate the corrective actions identified in the plan submitted to OSEP 12/03. See Probe GS.III for greater detail.
- PRS data will continue to inform LEA CPR Teams and Approved Private Special Education School Program Review Teams of non-compliance issues.
- MASSDE/PQA will complete the process of developing a Special Education Focused Monitoring protocol, and plan for a pilot program of 5 LEAs in FY2003-04.

Probe: GS. II

Probes

Performance Indicators

GS.II. Are systemic issues identified and remediated through the analysis of findings from information and data collected from all available sources, including monitoring, complaint investigations, and hearing resolutions?

B. Identify and remediate systemic issues through the analysis of findings from information and data collected from all available sources, including monitoring, complaint investigations, and hearing resolutions.

Performance Indicator B

Baseline/Trend Data (2002-2003)

Targets (2002-2003)

Explanation of Progress or Slippage (2002-2003)

B.
Data based upon 50 Final reports, the Overview of 2002 – 2003 Coordinated Program Review Findings (See [Appendix B.2 Overview of 2002 – 2003 Coordinated Program Review \(CPR\)](#))
SE CR = Special Education Criteria

10 of the 57 SE CR were found 90%-100% *compliant*

12 of the 57 SE CR were found 80%-90% *compliant*

10 of the 57 SE CR were found 70%-80% *compliant*

9 of the 57 SE CR were found 60%-70% *compliant*

4 of the 57 SE CR were found 50%-60% *compliant*

12 of the 57 SE CR were found in *compliance less than 50%*

B.
Improve the level of compliance of systemic issues identified through the analysis of findings from information and data collected from all available sources, including monitoring, complaint investigations, and hearing resolutions.

B.
MASSDE has begun to collect and analyze available data. Data is now available identifying the highest level of non-compliance over the past 2 Coordinated Program Review monitoring cycles. MASSDE considers this baseline data. Future activities include the tracking and graphing of data as it becomes trend data. Areas with findings of partial implementation or no implementation for more than 10 districts in each year are identified for systemic change activity by the state. The Special Ed. Steering Committee reviews the analysis of all CPR visits as well as the analysis of complaints and other data to identify key priorities each year.

Additional data on Massachusetts CIP related issues can be found imbedded in this report in Clusters II, IV and V.

Detailed data information can be found in [Appendix B: CPR and Problem Resolution Data](#)

- [B.1 Overview of 2002 – 2003 Coordinated Program Review \(CPR\) Findings](#)
- [B.3 Coordinated Program Review CIP Data](#)
- [B.4 Problem Resolution System CIP Data](#)
- [B.5 CPR – Appendix III data \(CIP information\)](#)

Projected Targets, Activities, Timelines, and Resources (2003-2004)

Projected Target

MASSDE will continue to improve the level of compliance of systemic issues identifying through the analysis of findings from information and data collected from all available sources, including monitoring, complaint investigations, and hearing resolutions.

Projected Activities, Timelines, and Resources

- Review and analysis of baseline data from monitoring, complaint management and Hearings resolution.
- Presentation of information to state advisory council and state special ed steering committee
- Identification of priority focus areas
- Activities to address systemic concerns.

Probe: GS.III

Probes	Performance Indicators
GS.III. Are complaint investigations, mediations, and due process hearings and reviews completed in a timely manner?	C. Review of the start and completion dates of Complaints (Problem Resolution System) and Mediation and Due Process Hearings (Bureau of Special Education Appeals), to reflect the required timelines of 60 days and 45 days respectively.

Performance Indicator C

Baseline/Trend Data (2002-2003)	Targets (2002-2003)	Explanation of Progress or Slippage (2002-2003)
<p>C. Baseline Data: Attachment 1</p> <p><u>DUE PROCESS HEARINGS</u> 2002-2003 Due Process Hearing decisions issued within required timelines (number of decisions issued within timelines/total number of decisions): 26%</p>	<p><u>DUE PROCESS HEARINGS</u> Due process hearings will consistently (over 95%) be completed within required timelines.</p>	<p><u>DUE PROCESS HEARINGS</u> Due Process (OSEP area: re Data Verification Visit – See Appendix C.1 OSEP Data Verification Letter). 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. The number of decisions issued after timelines and extensions have expired (20) reflects decisions where the number of days between the close of the record and the issuance of the decision exceeded available time. Cases extended where the number of days involving reasonable extensions and time allowed for submission of written closings are not included. As identified in the OSEP Data verification letter (10/2003) the Massachusetts BSEA will address noncompliance with due process hearing timeline requirements under 34 CFR s.300.511.</p> <p>Of the remaining cases reflected in the high number of requests for hearings, 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</p>

FORMAL COMPLAINTS

2002-2003 Formal Complaints completed within timelines: (number of complaints with findings/number of complaints addressed within timelines): 96%

Dispute Resolutions FY01-FY03

Massachusetts Department of Education Program Quality Assurance Services Summary of Problem Resolution System Data			
Data as of 10/8/03			
	7/2000-6/2001	7/2001-6/2002	7/2002-6/2003
Telephone and written Special Education intakes	952 (67% of all intakes and a 51% increase over FY01)	1089 (70% of all intakes and a 14% increase over FY01)	803 (67% of all intakes and a 26% decrease from FY02)
1(a)(2) Special Education intakes that were followed by signed complaints (rather than just telephone assistance)	514 (54% of all Special Education intakes)	542 (50% of all Special Education intakes)	398 (50% of all Special Education intakes)
1(a)(3) Investigation of all signed Special Education complaints resulting in a finding of compliance	92 (25% of all Special Education investigations)	82 (16% of all Special Education investigations)	59 (15% of all Special Education investigations)
1(a)(2) Investigation 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)
1(a)(4) Signed Special Education complaints that result in an inactivity status (due to BSEA proceedings on the same issue(s)).	37 (7% of all signed Special Education complaints)	47 (9% of all signed Special Education complaints)	27 (7% of all signed Special Education complaints)
1(a)(5) Signed Special Education complaints that resulted in a withdrawal by the complainant.	60 (12% of all signed Special Education complaints)	71 (13% of all signed Special Education complaints)	56 (14% of all signed Special Education complaints)

FORMAL COMPLAINTS

Formal Complaints will consistently (over 95%) be completed within timelines.

Continue to see a decrease in telephone and written Special Education intakes

exists between two school districts.)

Mediation: 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.

FORMAL COMPLAINTS

Complaint Management: The Complaint Management information in [Attachment 1](#) is designated as baseline data against which data in current and future years will be compared to ensure consistent progress. The baseline data indicates significant compliance with required timelines. Program Quality Assurance has implemented a computer software system (Remedy) to facilitate the management of the PRS/Complaint System to help ensure timelines are met.

'Dispute Resolutions FY01-FY03' provides additional data for Dispute Resolutions 1a (2-5): Formal Complaints. It should be noted that Dispute Resolution activity for Special Education conducted as part of the Department's Program Quality Assurance Unit indicates the 803 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.

Of the 803 special education related concerns 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.* Note that January 1, 2000 Massachusetts instituted new Special Education Regulations as well as a new IEP format, accompanied by comprehensive training and technical assistance.

Projected Targets, Activities, Timelines, and Resources (2003-2004)

Projected Target

Maintain targets as currently.

- Projected Activities, Timelines, and Resources**
- *Complaints:* PQA is working to develop within the 'Remedy' computerized system a more accurate reporting mechanism which will allow for the closer monitoring of all timelines. The OSEP Data Verification Letter's definition of compliance within timelines has prompted MASSDE to re-examine the reporting mechanism to enable more critical analysis of timelines associated with the use of letters of extensions.
 - *BSEA:* One of the issues identified by OSEP is that multi-day hearings span long periods of time. Given that the average hearing last year was 3.09 days in duration, the BSEA proposes that the initial notice of hearing reflect three consecutive days.
 - Parties' use of postponements has been excessive. In order to tighten up the postponement process, the BSEA proposes to change the Hearing Rules, limiting postponements to one that is mutually agreed upon and one per party. A 60-day public comment period is required for a rule change. The BSEA will send OSEP a copy of the proposed rule change.
 - The BSEA will initiate a practice of dismissing cases without prejudice when they are not ripe for hearing.
 - The BSEA will limit time allowed for submission of written closing arguments or permit only oral closing arguments by amendment to Hearing Rules. A 60-day public comment period is required for a rule change. The BSEA will send OSEP a copy of the proposed rule change (See [Appendix C.2 BSEA Response to OSEP Data Verification Visit](#))

Probe: GS.IV

<i>Probes</i>	<i>Performance Indicators</i>
GS.IV. Are there sufficient numbers of administrators, teachers, related services providers, paraprofessionals, and other providers to meet the identified educational needs of all children with disabilities?	D. Review data on Special Education personnel licensure, vacancies and recertification to ensure that there are sufficient numbers of administrators, teachers, related services providers, paraprofessionals, and other providers to meet the identified educational needs of all children with disabilities.

Performance Indicator D

<i>Baseline/Trend Data (2002-2003)</i>	<i>Targets (2002-2003)</i>	<i>Explanation of Progress or Slippage (2002-2003)</i>
D. MASSDE does not presently collect data that can effectively be use to evaluate the Special Education licensure and vacancy needs. Therefore, we do not provide baseline data for this purpose. Anecdotally, we are aware of consistent requests for assistance in obtaining related services personnel, particularly in the west and southeast of Massachusetts. Additionally, we are aware of the constant turnover of Administrators of Special Education.	D. Evaluate the sources of information on the numbers of administrators, teachers, related services providers, paraprofessionals, and other providers in the state as an initial step toward developing a comprehensive personnel data collection system.	D. Massachusetts collects data related to the number of administrators, teachers, related services providers, paraprofessionals, and other providers of all children with disabilities through several vehicles (LEA responses, licenses issued, waiver requests, Massachusetts Test for Educator Licensure (MTEL) scores). These vehicles do not give us enough information to know about the Special Education personnel needs of Massachusetts. There needs to be a fine-tuning of the collection of personnel data. See Appendix D: School System Summary Report – Staff – October 1, 2001

Projected Activities, Timelines, and Resources (2003-2004)

- Projected Target**
Maintain target.
- Projected Activity, Timelines, and Resources**
- In Spring FY04 and ongoing, begin the discussion on how to better collect unified data related to the sufficiency of administrators, teachers, related services providers, paraprofessionals, and other providers to meet the identified educational needs of all children with disabilities consistent with Massachusetts licensure and definitions.
 - The Special Education Planning and Policy Development Office will continue to identify and participate in activities that address Special Education personnel needs such as the revised MASSDE's Licensure Regulations, development of alternative paths for licensure of Special and General Educators, complete the MOU with the

Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) for education interpreters

Probe: GS.V

Probes	Performance Indicators
GS.V. Do State procedures and practices ensure collection and reporting of accurate and timely data?	E. State procedures and practices ensure collection and reporting of accurate and timely data.

Performance Indicator E

Baseline/Trend Data (2002-2003)	Targets (2002-2003)	Explanation of Progress or Slippage (2002-2003)
<p>E.</p> <p>Table 1 (Federal Child Count) and Table 3 (Educational Environments, Placements) Data for these tables were collected through a student-level collection as of December 1, 2002.</p> <p>Table 1 <i>Due Date: February 1, 2003</i> <i>Date Submitted:</i> <i>Original April 2003</i> <i>Revised May 2003</i> <i>Did not meet deadline date.</i></p> <p>Table 3 <i>Due Date: February 1, 2003</i> <i>Date Submitted:</i> <i>Original April 2003</i> <i>Revised May 2003</i> <i>Did not meet deadline date.</i></p> <p>Table 2 (Personnel Data) Data for this table were collected through the paper form School System Summary Report.</p>	<p style="text-align: center; color: red;">*</p> <p>E. To increase the validity of reported data and to create systems of collection that ensure timely and accurate reporting.</p>	<p>E.</p> <p>Overall MASSDE has reviewed the timeliness of data collection activities as part of its efforts to create systems that increase the validity of reported data and that enforce timely and accurate reporting. Several areas of focus were identified during school year 2002-03, through routine analyses and the OSEP verification visit in June 2003, including the need for (1) more timely data, (2) placement definitions to align with federal definitions, (3) the alignment of personnel data with licensure regulations, and (4) more accurate discipline data.</p> <p>As can be seen from the data on submission for the required data tables, MASSDE has consistently turned in the data, but it has most often been turned in later than the required submission date. The majority of the delay in data submission for this past year can be attributed to the changed activities related to moving from an aggregate data submission format to an individual student format. That same change also has resulted in development of additional and new checks on the information to ensure it is valid and reliable.</p> <p>Table 1 (Federal Child Count) and Table 3 (Educational Environments, Placements) In school year 2002-03, districts were required to submit all 32 data elements on all of their students with disabilities and nondisabled students as of October 1 (State collection) via the Student Information Management System (SIMS). Then, districts were required to update the file as of December 1 for all students with disabilities (only) for whom the district was programmatically responsible. This method of collection was extremely burdensome and confusing for districts because they were reporting all students for whom they were financially responsible as of each reporting period except for December 1 in which they only submitted the students with disabilities for whom they were programmatically responsible. In addition, the December 1 collection was not collected through the SIMS, consisted of limited data elements, and did not allow for the same validation techniques as all other SIMS submissions did to ensure validity. MASSDE has requested that it be allowed to use the October data submission for future reporting to eliminate duplication and confusion.</p> <p>Also, the Educational Environments or Placement categories were evaluated and determined to not coincide with the federal definitions. Therefore, MASSDE spent this school year determining appropriate categories and definitions to be implemented in school year 2003-04 to ensure complete consistency with federal definitions.</p> <p>Table 2 (Personnel Data) The personnel collection was a district-level paper form collection that maintained the general format as required for many years with mild modifications over the last five years. MASSDE believes that this collection did not provide efficient data and did not correspond with the changes</p>

<p>Table 2 <i>Due Date: November 1, 2003</i> <i>Date Submitted: Original January 2004</i> <i>Did not meet deadline.</i></p> <p>Table 4 (Exit) The data provided in the Exit Report reflect the district-level aggregate collection of exit status..</p> <p>Table 4 <i>Due Date: November 1, 2003</i> <i>Date Submitted: January 2004</i> <i>Did not meet deadline.</i></p> <p>Table 5 (Discipline) The data provided in the Discipline Report reflects the district-level on-line aggregate collection of discipline status.</p> <p>Table 5 <i>Due Date: November 1, 2003</i> <i>Date Submitted: January 2004</i> <i>Did not meet deadline.</i></p>		<p>of the Licensure department. This area has been identified as a focus area for discussion in school year 2003-04.</p> <p>Table 4 (Exit) The school year 2002-03 functioned as a transition year for districts in which they continued to report exit data in the aggregate and were additionally requested to begin to report student-level information on selected exiting elements through the Student Information Management System (SIMS)</p> <p>Table 5 (Discipline) The school year 2002-03 functioned as a transition year for districts in which they continued to report discipline data in an on-line aggregate submission. Additionally, districts were required to begin to report student-level information on selected discipline elements through the <i>Student Exclusion Form</i>.</p>
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Projected Targets, Activities, Timelines, and Resources (2003-2004)

Projected Target

Maintain existing target.

Projected Activities, Timelines, and Resources

Overall

MASSDE will refine its student-level data collection systems to consolidate or streamline multiple data collections. This effort will reduce the paperwork burden to districts, encourage data to be validated more consistently, maintain universal data language within the Department, and allow data sources to be accurately linked so as to perform complex analyses on all students with and without disabilities. MASSDE will design additional SIMS validations, multiple training sessions, detailed web-based documentation, and increased technical assistance to ensure more accurate reporting and provided detailed, student-level data clarifications.

Table 2 (Staff Report)

In school year 2003-04, MASSDE will coordinate members of the Educator Licensure Department, Special Education Planning and Policy, and DATA in an effort to align the state staff report with the new licensure regulations, federal reporting requirements, and to facilitate state utilization of staff data at the State and district levels. Implementation to begin in school year 2004-05.

Table 4 (Exit Report)

In school year 2003-04, all of the exit statuses for students with disabilities and nondisabled students will be collected via SIMS, including received a certificate of attainment. There will no longer be a separate aggregate collection for students with disabilities.

Table 5 (Discipline Report)

Various federal and state statutes require the collection, monitoring, and reporting of data relative to school safety, student behavior and discipline. First, *The Federal Gun-Free Schools Act* (Section 14601 of the Improving America's Schools Act), which includes the re-authorization of the Elementary and Secondary Education Act (ESEA), requires each state to provide annual reports to the Secretary of Education concerning implementation of the Act's requirements. Second, *The Federal Safe and Drug-Free Schools and Communities Act* requires the Secretary of Education to report to Congress the frequency, seriousness, and incidence of violence in schools in the States. Third, *The Federal Individuals with Disabilities Act (IDEA)* requires each state to report annually to the Secretary of Education the number of children with disabilities disciplined for drug, weapon or other offenses. Fourth, *The Massachusetts Education Reform Act of 1993* requires that every school district report annually to the US DOE

on statistics relative to suspensions and expulsions.

In order to reduce the reporting burden placed on the schools and districts and still meet the new requirements of the most recent re-authorization of ESEA (NCLB), a new reporting system, comprised of two student-level reports, *Violence or Drug-Related Incidents* ([Appendix E.1 Violence or Drug-Related Incidents](#)) and *Student Discipline Records* ([Appendix E.2 Student Discipline Records](#)), will be implemented. These two reports will eliminate several different data collection instruments that were developed over the years to satisfy the above reporting requirements. The *Gun-Free Schools Report*, *Safe and Drug-Free Schools and Communities Report*, the *Special Education Discipline Report* (the aggregate data collection tool used to report Table 5 for federal reporting), the *Student Exclusion Report*, and the *Year-End School Indicator Report (YESIR)* will all be consolidated into the two new student exclusion and disciplinary reports beginning in school year 2003-04. These web-based forms will be available for on-line submission in February 2004 when districts can begin to submit each report for each student, separately if desired. Consequently, the data will be validated throughout the year and will no longer rely on aggregate submissions.