

Cluster Area I – General Supervision

Question

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)?

Goals

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).

Probe: GS. I

<i>Probes (2003-2004)</i>	<i>A. Performance Indicators (2003-2004)</i>
<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

<i>Baseline/Trend Data (2003-2004)</i>	<i>Targets (2003-2004)</i>	<i>Explanation of Progress or Slippage (2003-2004)</i>
<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 10/2003 “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 did work on the development of a Focused Monitoring approach to monitoring. A preliminary selection of focus areas for monitoring was identified by MASSDE, encompassing OSEP priority areas, MASSDE Performance Goals and Indicators, and targeted special education requirements, including the Massachusetts Continuous Improvement Plan (CIP). The Special Education Focused Monitoring protocol was piloted in 5 LEAs during FY2003-04. Evaluation of the pilot procedure will be conducted prior to continuation of this new approach.</p> <p>In response to the OSEP FFY2002 APR Letter (11/2004), the instruments used for monitoring, complaint and hearing resolution listed below describe how MASSDE ensures that specific noncompliance has been corrected in a timely manner. See Probe II for further description and additional data.</p> <p>Instruments used for monitoring, complaint and hearing resolution can be found in <u>Appendix A: Policy and Procedural Information on Monitoring, Complaints Management and Hearing Resolutions</u>:</p> <ul style="list-style-type: none"> • <u>A.1 Public School Coordinated Program Review System</u> • <u>A.2 Approved Private Day and Residential Special Education School Program Review Procedures</u>

		<ul style="list-style-type: none"> • A.3 Mid-Cycle Review Procedures • A.4 Civil Rights: Methods of Administration • A.5 Coordinated Program Review Cycle and Mid-Cycle Review Schedule • A.6 Special Education Focused Monitoring: Pilot Procedures • A.7 Coordinated Program Review Procedures: PQA Staff Guide & Procedures for Monitoring Addressing Disproportionality • A.8 Problem Resolution System Information Guide • A.9 Hearing Rules for Special Education Appeals • A.10 Special Education Mediation Brochure
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Projected Targets, Activities, Timelines, and Resources (2004-2005)

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 and updated in 10/04 and 2/05. See Probe GS.III for greater detail. See also [Appendix C.1 Response Letter to OSEP Findings on FFY2002 APR \(section 1\)](#)
- Problem Resolution System data will continue to inform LEA CPR Teams and Approved Private Special Education School Program Review Teams of non-compliance issues.
- MASSDE/PQA will continue developing and refining a Special Education Focused Monitoring protocol, including exploring opportunities for developing a web-based Focused Monitoring system.

Probe: GS. II

Probes (2003-2004)

Performance Indicators (2003-2004)

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 (2003-2004)

Targets (2003-2004)

Explanation of Progress or Slippage (2003-2004)

B.
Data based upon 52 Final reports, the Overview of 2003 – 2004 Coordinated Program Review Findings (See [Appendix B.3 Overview of 2003 – 2004 Coordinated Program Review \(CPR\) Findings](#))

SE CR = Special Education Criteria

17 of the 58 SE CR were found 90%-100% *compliant*

10 of the 58 SE CR were found 80%-90% *compliant*

13 of the 58 SE CR were found 70%-80% *compliant*

6 of the 58 SE CR were found 60%-70% *compliant*

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.
Following the 1998-1999 school year, the Massachusetts Department of Education (MASSDE) developed its first Continuous Improvement Plan (CIP) for Special Education in cooperation with a Steering Committee composed of multiple stakeholders. Since the original CIP, MASSDE has begun to change its focus toward using data in a more effective manner to review and identify needed areas of focus.

Monitoring data on special education criterion is now available for the past four Coordinated Program Review monitoring cycles (beginning in 2000-01). Additionally, it is important to note that MASSDE is now able to compare cohort groups by reviewing the mid-cycle data as compared to the CPR data. With the first year of Mid-cycle Reviews completed, MASSDE is able to effectively ensure that noncompliance identified during the FY01 CPRs has been corrected. The Mid-cycle data is reflected in the compliance data throughout this report. CPR

<p>6 of the 58 SE CR were found 50%-60% <i>compliant</i></p> <p>6 of the 58 SE CR were found in <i>compliance less than 50%</i></p>		<p>data cohorts will begin comparability as of FY07.</p> <p>Drawing from the available data and analyses, the Special Education Steering Committee met in June 2003 to review the analysis of all CPR visits as well as the analysis of complaints and other data to identify key priorities for FY04. The efforts resulted in the FY04 Continuous Improvement Plan, which served to drive MASSDE's work in special education during this year (see Appendix B.1 Continuous Improvement Plan (CIP) – FY04).</p> <p>Additional data on Massachusetts CIP related issues can be found imbedded in this report in Clusters II, III, IV and V.</p> <p>Detailed monitoring data information can be found in Appendix B: CPR and Problem Resolution Data</p> <ul style="list-style-type: none"> ▪ B.3 Overview of 2003 – 2004 Coordinated Program Review (CPR) Findings
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Projected Targets, Activities, Timelines, and Resources (2004-2005)

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
 In June 2004, the State Special Education Steering Committee reviewed data from monitoring, complaint management and hearings resolution in order to determine priority areas for FY05. The efforts resulted in the FY05 Continuous Improvement Plan, which provides a detailed overview of the priority areas identified and the activities MASSDE will undertake to address these areas. (see [Appendix B.2 Continuous Improvement Plan \(CIP\) – FY05](#))

Probes (2003-2004)	Performance Indicators (2003-2004)
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<p>GS.III. Are complaint investigations, mediations, and due process hearings and reviews completed in a timely manner?</p>	<p>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.</p>
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Baseline/Trend Data (2003-2004)	Targets (2003-2004)	Explanation of Progress or Slippage (2003-2004)
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<p>C. See Attachment 1</p>	<p>DUE PROCESS HEARINGS</p> <p>Due process hearings will consistently (over 95%) be completed within required timelines.</p>	<p>DUE PROCESS HEARINGS</p> <p>There were 648 requests for hearing received by the BSEA during fiscal year 2004. Of the cases requested during FY04, BSEA hearing officers conducted full hearings in 12 cases. It would appear that fewer hearings were held this year by the Bureau. However, this is not the case, as the required definitions this year were different than those used last year. In fact, 41 other cases were also adjudicated during this time period (in addition to the issuance of 17 extensive written rulings), but the 41 cases were requested in the previous year(s). Also, the figures furnished do not reflect implementation of new administrative procedures (begun in July 2004), which have significantly</p>
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<p>FORMAL COMPLAINTS</p> <p>2003-2004 Formal Complaints completed within timelines: (number of complaints with findings/number of complaints addressed within timelines:) 82% <i>(Note: For purposes of this calculation, number of complaints with findings is defined as those complaints for which an investigation was conducted and where a letter was issued indicating either non-compliance or compliance.)</i></p> <p>DISPUTE RESOLUTIONS</p> <p>See Appendix C.4 Dispute Resolutions: FY01-FY04.</p>	<p>FORMAL COMPLAINTS</p> <p>Formal Complaints will consistently be addressed within timelines.</p> <p>DISPUTE RESOLUTIONS</p> <p>Continue to see a decrease in telephone and written Special Education intakes</p>	<p>reduced noncompliance with time lines.</p> <p>The remaining cases reflected in the high number of requests for hearings 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.</p> <p>In response to the OSEP FFY2002 APR Letter (11/2004), MASSDE provided a report on its progress to ensure that due process hearing decisions are issued within the required timelines. This progress report was based on the plan submitted by MASSDE to OSEP on December 23, 2003. See the following appendices for the progress report, the remediation plan, and the original OSEP Data Verification Letter.</p> <ul style="list-style-type: none"> o Appendix C.1 Response Letter to OSEP Findings on FFY2002 APR (section 1) o Appendix C.2 BSEA Response to OSEP Data Verification Visit o Appendix C.3 OSEP Data Verification Letter <p>FORMAL COMPLAINTS</p> <p>Complaint Management: The new table for complaints in Attachment 1 has changed the report cells from prior year submissions. 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. Cell 2 indicates the number of complaints for which a closing letter or letter of finding was issued, substantiating any incidence of non-compliance. Cell 3 indicates those complaints for which a closing letter was issued substantiating compliance, or where it was not possible to make a determination of compliance. Based upon the changed requirements for this report, Program Quality Assurance (PQA) has developed a new tracking mechanism within the computer software system (Remedy) to facilitate the management of the Complaint System to ensure OSEP's new timeline standards are met.</p> <p>DISPUTE RESOLUTIONS</p> <p>Appendix C.4 Dispute Resolutions: FY01-FY04 provides additional data. It should be noted that Dispute Resolution activity for Special Education conducted as part of the Department's Program Quality Assurance Unit indicates the 806 inquiries made in FY04 from the public related to allegations of inappropriate or illegal actions regarding educational laws and regulations was consistent with FY03, and represents a decrease as compared to the prior two fiscal years (FY01 and FY02).</p> <p>Of the 806 special education related concerns only 260 special education intakes (32 percent) required an investigation pursuant to a signed complaint. The majority (63 percent) of those resulted in findings of non-compliance. The</p>
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		rate of findings of non-compliance for the special education investigations do not, at this time, represent a trend. Note that on January 1, 2000 Massachusetts instituted new Special Education Regulations as well as a new IEP format, accompanied by comprehensive training and technical assistance.
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Projected Targets, Activities, Timelines, and Resources (2004-2005)

Projected Target

Maintain targets as currently.

Projected Activities, Timelines, and Resources

- *Complaints:* PQA has worked to develop within the Remedy computerized system a more accurate reporting mechanism to more closely monitor timelines. Particular emphasis will be placed upon the timelines associated with the use of letters of extension and the period for which the complaint is extended. The reporting cells as defined by OSEP for this report have been used as the basis for the newly developed tracking system.
- *Due Process:* See Appendix C.1 Response Letter to OSEP Findings on FFY2002 APR (section 1)

Probe: GS.IV

Probes (2003-2004)

Performance Indicators (2003-2004)

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. Develop a comprehensive system for collecting educator data, including 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

Baseline/Trend Data (2003-2004)

Targets (2003-2004)

Explanation of Progress or Slippage (2003-2004)

D. MASSDE is currently working to develop a comprehensive system for collecting educator data. Therefore, there is currently no baseline/trend data available.

D. Identify existing educator data systems, requirements, and capabilities. Gather and analyze future data requirements and user needs. Develop a strategy for building an educator database.

D. Massachusetts currently 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. Therefore, MASSDE has formed a committee to work with an outside contractor to design a comprehensive system for collecting educator data, including data on special education licensure and vacancy needs. There needs to be a fine-tuning of the collection of personnel data.

In response to the OSEP FFY2002 APR Letter (11/2004), MASSDE provided a detailed plan for developing a comprehensive educator database and provided additional information on current work being conducted in this area. Appendix C.1 Response Letter to OSEP Findings on FFY2002 APR (section 2)

For current data related to the number of administrators, teachers, related services providers, paraprofessionals, and other providers of all children with disabilities, see the following:

- o Appendix D.1: School System Summary Report – Staff – October 1, 2003

Projected Activities, Timelines, and Resources (2004-2005)

Projected Target

Maintain target.

Projected Activity, Timelines, and Resources

- Develop an educator database strategy and implementation roadmap. The Governor has recently approved a supplemental FY2005 appropriation of \$1.5 million for the creation of the educator database, and MASSDE's next steps are to finalize a strategy and develop an implementation "roadmap" that includes cost estimates, resources, time estimates, phases, and immediate next steps.
- 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, professional development institutes designed to improve the skills and knowledge of current general and special educators, refinement of current data collection methods, and programs designed to increase the number of teacher for low incidence populations.

Probe: GS.V

Probes (2003-2004)

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

Performance Indicators (2003-2004)

E. State procedures and practices ensure collection and reporting of accurate and timely data.

Performance Indicator E

Baseline/Trend Data (2003-2004)

E.

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, 2003.

Table 1

Due Date: February 1, 2004

Date Submitted:

Original February 2004

Revised April 2004

Did not meet deadline date.

Table 3

Due Date: February 1, 2004

Date Submitted:

Targets (2003-2004)

E.
To increase the validity of reported data and to create systems of collection that ensures timely and accurate reporting.

Explanation of Progress or Slippage (2003-2004)

E.
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 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.

As can be seen from the submission of 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.

Table 1 (Federal Child Count) and Table 3 (Educational Environments, Placements)

In school year 2003-04, districts were required to submit all 52 data elements on all of their students with disabilities and non-disabled 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 financially and programmatically responsible. Massachusetts has improved in the timeliness of this December collection and was able to submit data for Table 1 and Table 3 much earlier than in previous years.

Longitudinal Placement Data

The Educational Environments or Placement categories were evaluated and determined to not coincide with the federal definitions. In response to the evaluation, MASSDE spent the 2002-2003 school year determining appropriate categories and definitions to be implemented in school year 2003-04 to ensure complete consistency with federal definitions.

<p><i>Original February 2004</i> <i>Revised April 2004</i> <i>Did not meet deadline date.</i></p> <p>Table 2 (Personnel Data) Data were collected through the District and School Staff Report. This is a change from the previous year when a paper form was used to collect the data.</p> <p>Table 2 <i>Due Date: November 1, 2004</i> <i>Date Submitted: November 2004</i> <i>Did meet deadline.</i></p> <p>Table 4 (Exit) The data were collected through SIMS, a student-level data collection system.</p> <p>Table 4 <i>Due Date: November 1, 2004</i> <i>Date Submitted: Expected to be March 31.</i> <i>Did not meet deadline.</i></p> <p>Table 5 (Discipline) The data are collected through the School Safety and Discipline Report. This is an on-line student level application.</p> <p>Table 5 <i>Due Date: November 1, 2004</i> <i>Date Submitted: March 31</i> <i>Did not meet deadline.</i></p>		<p>The methods of data collection in this area changed and therefore the comparability of data related to placements that represent full and partial inclusion are limited to the last few years. Beginning in FY 03, MASSDE initiated a review of placement data by disability as a means of looking more deeply into factors relating to differential use of more restrictive placements. The Massachusetts Special Education Steering Committee identified the need for incentives to promote greater use of less restrictive placements. MASSDE plans a further review of outcome data by placement, and the development of an LRE guide or self-assessment tool.</p> <p>In the prior school year, 2002-2003, Adjusted Total Enrollment included students enrolled in public schools as well as students enrolled in "Public Separate Day Schools", "Private Separate Day Schools", "Private Residential Facilities", and "Homebound/Hospital" programs. In the 2003-2004 school year, Adjusted Total Enrollment included all publicly funded students regardless of educational environment.</p> <p>Starting in 2000-01, prototypes 502.2 and 502.3 were combined into "Resource Room" which is now referred to as "Partial Inclusion". This category includes students, ages 3-18, receiving more than 5 hours of special education services/week, but less than 15 hours. In addition, Partial Inclusion environments require the separate education services received by the child to be provided in a separate environment such as a therapy room or a separate classroom that only serves children with disabilities.</p> <p>In school year 2003-2004, student-level data for the "Public Residential Facilities" category was collected and reported through SIMS. Prior to school year 2003-2004, this data was not available through SIMS. In school year 2003-2004, MASSDE removed the "Programs for Children 3-4 Years of Age" category from the student-level data collection.</p> <p>Table 2 (Personnel Data) In school year 2003-04, the MASSDE began to collect personnel data through a new online application, the District and School Staff Report. This collection tool was aligned with all federal reporting requirements and the MASSDE was able to meet its reporting deadline for Table 2.</p> <p>Table 4 (Exit) In school year 2003-04, the exit data needed to complete Table 4 for the first time was generated solely through the Student Information Management System. The MASSDE has aligned all of the required elements from Table 4 to SIMS. This is a change from past school years and, as a result, the MASSDE is adjusting to the new reporting method and attempting to analyze the data as quickly as possible.</p> <p>Table 5 (Discipline) The data needed to complete Table 5 is now being collected through an on-line application, the School Safety and Discipline Report. This is a student-level collection system and is submitted by districts as the discipline occurs. As a result, there have been some delays in collecting, processing and analyzing the discipline data. The MASSDE anticipates that we will be able to submit this data by March 31st.</p>
Projected Targets, Activities, Timelines, and Resources (2004-2005)		
<p>Projected Target Maintain existing target.</p> <p>Projected Activities, Timelines, and Resources Overall</p>		

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. This will ensure more accurate reporting and provide detailed, student-level data clarifications.

Table 2 (Staff Report)

In school year 2004-05, the MASSDE will work with districts to improve the timeliness of the District and School Staff report submission. An improved collection should enable the MASSDE to meet the deadline for submitting Table 2 in November 2005.

Table 4 (Exit Report)

In school year 2004-05, the MASSDE will continue to collect exit data solely through SIMS and hope to improve on the timeliness of submitting Table 4.

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.