

April 19, 2011
(original report submitted February 1, 2011)

U.S Department of Education
Office of Special Education Programs
Potomac Center Plaza
Mail Stop 2600, Room 4129
550 12th Street S.W.
Washington, DC 20202

Re: Massachusetts Part B Annual Performance Report (MA APR) for FFY 2009

Dear Sir or Madam:

On behalf of the Massachusetts Department of Elementary and Secondary Education (MASSDE), I have enclosed the revised Massachusetts Annual Performance Report (MA APR) for FFY 2009. The MA APR responds directly to the indicators identified by the Office of Special Education Programs (OSEP) in *Information Collection 1820-0624, Part B State Performance Plan (Part B-SPP) and Annual Performance Report (Part B-APR)*, and described in the *OSEP Memorandum 11-4*, submitted to state on November 29, 2010. The MA APR contains individual reports for Indicators 1, 2, 3, 4A, 5, 7, 8, 9, 10, 11, 12, 13 (not required but submitted voluntarily in response to OSEP's instruction), 15, 16, 17, 18, 19, and 20. The APR also contains information responsive to the areas identified in the Massachusetts Part B FFY 2008 SPP/APR Letter and Response Table, and the Massachusetts Part B FFY 2009 SPP/APR Status Table received on April 11, 2011. Baseline data, targets, and improvement activities for Indicators 4B, 13, and 14 are included in the revised Massachusetts State Performance Plan (MA SPP), submitted with this report. Other reports in the MA SPP are updated to include new targets and activities for the extended reporting period, FFY 2011 and FFY 2012.

In FFY 2009 and since the date of the last report to OSEP, MASSDE has continued to work with stakeholders including the Statewide Special Education Steering Committee, the Statewide Advisory Council, statewide advocacy groups and parent organizations, and other state and local agencies that share MASSDE's priority for improving our work on behalf of children with disabilities, their families, and their educators. New and updated inter- and intra-agency initiatives have refined MASSDE's data collection methods, technical assistance available to and resources provided for local education agencies (LEAs, or districts), and methods for verifying correction noncompliance, among other things. The positive effects of these initiatives are demonstrated in the improvement shown in the MA APR's indicator areas, particularly in the area of verification of correction of noncompliance with regard to Indicators 12, 13, 15, and 16, which was a key issue in Massachusetts' determination in the last three years.

Consistent with prior years' public reporting efforts, the completed MA APR will be made widely available for public review and discussion. MASSDE will share this with the various interest groups referred to above, at the Statewide Advisory Council meeting(s), and other conferences and meetings throughout the year. Also, MASSDE makes this report and the underlying data available on the agency's website at <http://www.doe.mass.edu/sped/spp/> and distributes hard copies of the report to key constituencies and to the media. Districts' indicator data are publicly reported at http://profiles.doe.mass.edu/special_ed.aspx; this information is being updated currently for FFY 2009.

With this clarification submission, MASSDE made edits to correct non-substantive typographical errors (e.g., punctuation, capitalization, word choice, spelling, typographical errors, obsolete references, inactive hyperlinks, and acronyms) in each indicator report and in Appendix A originally submitted on February 1 of this year.

MASSDE also made several substantive changes to the APR, as requested by OSEP in the Massachusetts Part B FFY 2009 SPP/APR Status Table received on April 11, 2011, or as identified by MASSDE following the February 1 submission. These changes are summarized below:

- 1) Indicator 3: The report now includes the number of students with IEPs in regular assessments who were provided accommodations (that did not result in an invalid score) in order to participate in the assessments, and the proficiency rates of those students who received accommodations

(that did not result in an invalid score). MASSDE also included additional links to publicly reported assessment information regarding the regular assessment and the alternative assessment.

- 2) Indicator 4A: MASSDE amended the report to reflect the percentage of districts with a finding of significant discrepancy as 0.57%. Also, the report includes the number of districts that did not meet the state-established minimum "n" size requirement of more than 30 students in special education. Finally, language in Indicator 4A was revised to clearly reflect the comparison of FFY 2009 target with 2008-2009 data. Other terminology in the report was changed to reflect the data source, rather than the report year, as appropriate. Changes to Indicator 4B are included in the revised MA State Performance Plan, submitted on April 19, 2011.
- 3) Indicator 5: The report now includes the actual numbers used in the calculation. Also, MASSDE changed the term "out-of-district" to "separate schools, residential facilities, or homebound/hospital placements" throughout the report.
- 4) Indicator 7: Marked changes reflect updated data received from participating districts following the February 1, 2011 submission.
- 5) Indicator 8: In the report, MASSDE reiterates the reason that no district level cohort data is reported in FFY 2009 is because Massachusetts was not required to report district level data this year; In the prior reporting cycle, MASSDE had fulfilled OSEP's requirement to report data from each district once in the SPP reporting cycle, and used the FFY 2009 period to review statewide data results and improvement activities. MASSDE received written approval for OSEP for these actions (see enclosed correspondence). For this reason, MASSDE has revised the Indicator 20 data table and amended the APR Score Calculation and Base to reflect the adjusted total points (Appendix F) to reflect that data reporting for Indicator 8 was not applicable to MASSDE's Indicator 20 score.
- 6) Indicator 12: The report amends the actual data to incorporate additional data received from participating districts following the February 1, 2011 submission, and corrects data errors identified in the Massachusetts Part B FFY 2009 SPP/APR Status Table. MASSDE also includes new text addressing the delay between data submissions, findings of noncompliance, and verification of correction activities.
- 7) Indicator 17: MASSDE updated links to electronic resources cited in the report.
- 8) Indicator 19: MASSDE amended the line graph entitled *Percent of Mediations Held That Resulted in Mediation Agreements FFY 2005-FFY 2009*.
- 9) Indicator 20: MASSDE reviewed and updated the figures in the report and the APR Table (Appendix F) to reflect accurately submission by MASSDE of valid and reliable data, and correct calculations for indicator reports that OSEP identified in the Part B SPP/APR Status Table. Also, because MASSDE was not required to submit data for Indicator 8 during this reporting period, MASSDE amended the APR Score Calculation and Base to reflect the adjusted total points. See the Indicator 8 APR for more information

Please contact me at 781.338.3388 or mmmittnacht@doe.mass.edu, if you have any questions or if you need additional information.

Sincerely,

Marcia Mittnacht
 State Director of Special Education
 Special Education Planning and Policy Development Office
 Massachusetts Department of Education

Enclosure

C: Mitchell D. Chester, Ed.D., Commissioner, Massachusetts Department of Elementary and Secondary Education