

Massachusetts Department of Education Special Education Continuous Improvement Plan Report July 2002

Introduction

During the 1998-1999 school year the Office of Special Education Programs (OSEP) conducted a monitoring visit in Massachusetts. When Massachusetts received its monitoring report from OSEP on June 21, 2000, the information was disseminated to Massachusetts Steering Committee members, and the Steering Committee was re-convened on October 3, 2000 to address the areas of concerns and non-compliance cited in the OSEP report.

The initial plan for continuous improvement was completed in June 2001. This report reflects on progress resulting from activities of the State and the Steering Committee during 2001-2002.

General Information

Through its Program Quality Assurance cluster, Massachusetts uses a monitoring document, which serves as oversight for the Massachusetts continuous improvement plan. Monitoring activities fully address OSEP's monitoring findings as well as other areas of special education requirements. Evaluation of effective implementation is planned generally through analysis of the documentation/findings through the Department's Coordinated Program Review and followup monitoring systems. Details are provided in each section of this plan.

Section 1. Parent Involvement

1.1 Parent Participation in Meetings Regarding Educational Decisions for Their Child

Requirement:

The 1997 IDEA amendments at 20 U.S.C. 1415(b)(1) require that the parents of a child with disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and provisions of a free appropriate public education to the child.

Each public agency is required to take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or demonstrate its attempts to arrange a mutually agreed-on time and place to convene IEP meetings. [34 CFR §300.345(a) and (d).]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following area: **SE 26 (1-5)** (Parent Participation In Meetings).

- Of 56 districts, 48 were identified as either compliant or commendable. **A success rate of 86%.**
- Other data indicators include complaints received through the Department's Problem Resolution System (PRS) as follows: Of 5 intakes related to implementation of timelines, 3 were found to be non-compliant and corrective action was taken. Of 15 intakes related to providing parent notice, 9 were found to be non-compliant and corrective action was taken. Districts were required not only to respond to and resolve the complaint but also to demonstrate that training has been provided to ensure that staff of the district understand the requirements and that procedures are in place to maintain compliance. This data, although interesting, represents a very small sample in each area and a very small percentage of the complaints received by the Department. Therefore, this indicator is not considered determinative nor is this data appropriately treated as baseline data.

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Baseline data: The 2001-2002 school year provides baseline data for the first time through the CPRs related to numerical information on

- the numbers of team meetings held (15,417) and
- the times that the parent was physically present (11,372 or 74% of the time),
- or involved in alternative ways (2040 or 13% of the time),
- thus indicating **compliance 87% of the time**, very much in line with the findings of the CPR team of reviewers.

This indicator was developed as part of the Steering Committee's recommendations to gather more specific data on parent participation over time.

Steering Committee Review of Data as of June 2002:

The Steering Committee was evenly divided between finding that this issue has been addressed in a systemic manner and only episodic problems remain as compared to finding that it remains a systemic problem. The Steering Committee requested additional information about other opportunities for parent involvement. Therefore, SE 32 on the district's development of a Parent Advisory Council (a Massachusetts state requirement) was added to the data that will be considered in the future. The Steering Committee additionally suggested further interview questions related to the data collected at the CPR seeking clarification on why parents did not participate when no participation was identified. The Department has determined to include a specific CIP review at each CPR in order to gather both quantitative and qualitative data for this identified area.

Evidence of Systemic Compliance

With baseline data at 86-87% compliance, MASSDE identifies this area as **needing 93% compliance** in both SE 26 and the numerical data related to parent participation. 93% is, therefore, considered state-wide, systemic compliance. Even with 93% compliance in the initial findings of the CPR reviews, any individual district findings in this area would be addressed with appropriate corrective action as part of MASSDE's ongoing review of special education compliance. Recognizing that the field of special education and the parents involved in the field of special education are continuously changing and, therefore, needing continuous focus, MASSDE would continue to review compliance rates in this key area to ensure no less than 93% compliance.

Section 2. Free Appropriate Public Education (FAPE)

2.1 Special Education and Related Services are Provided in Accordance with Identified Needs: IEP Development

Requirement:

MASSDE must ensure that the public agency initiates and conducts meetings at least annually to develop, review, and revise IEPs for a child with disability. [20U.S.C. 1414(d)(1)(b)] [34 CFR §300.343]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas: **SE 18 (1, 6, & 10)** (IEP development and content; determination of placement; provision of IEP to parent), and **SE 22 (#1, 2, & 4)** (IEP implementation and availability)

- SE18 #1 development of the IEP -- **87.5% compliance** (49 of 56 districts)

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- SE18 #6 school district representative at Team - 80% compliance (45 of 56 districts)
- SE18 #10 immediately providing copy of IEP after development - 70% compliance (39 of 56 districts)
- SE22 #1 services provided without delay - 93% compliance (52 of 56 districts)
- SE22 #2 IEP in effect at beginning of school year - 93% compliance (52 of 56 districts)
- SE22 #4 alternative methods of service - 86% compliance (48 of 56 districts)
- Other data indicators include complaints received through the Department's Problem Resolution System (PRS) as follows: existing code 14C regarding lack of implementation of IEP showed 92 intakes with 40 findings of either compliance or other resolution not considered non-compliance, non-compliant findings require corrective action.

Steering Committee Review of Data as of June 2002:

The Steering Committee was consistent in their finding that this issue remains a systemic problem and found that the data collected was sufficiently informative across all parameters. The Steering Committee asked that MASSDE provide better guidance to the field on the meaning of the term "immediately" regarding providing the IEP after development. This guidance is now posted on the Department's Program Quality Assurance Services Web page. The Steering Committee expressed an interest in whether or not the national and Massachusetts crisis related to lack of special education personnel played a role in the need for districts to reconvene the Team and identify alternate methods of service. The Department has determined to include a specific CIP review at each CPR in order to gather both quantitative and qualitative data for this identified area.

Evidence of Systemic Compliance

With baseline data ranging from 70 to 93% compliance, MASSDE identifies this area as needing 93% compliance overall in all the SE areas. 93% is, therefore, considered statewide, systemic compliance in relation to regularly scheduled onsite monitoring for this area. Even with 93% compliance in the initial findings of the CPR reviews, any individual district findings in this area would be addressed with appropriate corrective action as part of MASSDE's ongoing review of special education compliance. Recognizing that the field of special education and the parents involved in the field of special education are continuously changing and, therefore, needing continuous focus, MASSDE would continue to review compliance rates in this key area to ensure no less than 93% compliance in the CPR reviews.

Section 2. Free Appropriate Public Education (FAPE) continued

2.2 Psychological Counseling Provided When Needed to Benefit From Special Education

Requirement:

MASSDE is responsible to ensure that a free appropriate public education is provided to all students with a disability. This right includes the provision of necessary related services such as psychological counseling, are provided to all children with disabilities who require such services. [34 CFR §300.300]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas: **SE 48 (4)** (FAPE), **49 (7 & 12)** (Related Service).

- SE48 #4 services include counseling services - 96.5% compliance (54 of 56 districts)
- SE49 #7 related services, including counseling, are provided - 89% compliance (50 of 56 districts)

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- Additional data was sought and provides the following information -- of the 56 districts reviewed, the district identifies 25% of its students have counseling services recommended, of those, 22.5% receive counseling services through the IEP and 5.8% receive counseling services (either additional or only) through another agency.

Steering Committee Review of Data as of June 2002:

The Steering Committee was consistent in their finding that this issue remains a systemic problem, however they were also consistent in their finding that the data was insufficiently informative. The Steering Committee was frustrated with the data set and consistent in their belief that it did not answer the question. The Steering Committee asked that the data set be examined to determine how to get more informative data, possibly through linking information on discipline and suspension. The Department has determined to include a specific CIP review at each CPR in order to gather both quantitative and qualitative data for this identified area and will consider if other data is possible to gather.

Evidence of Systemic Compliance

With baseline data indicating 90% or better compliance, but a clear dissatisfaction with the data as a means of determining compliance with the area of need, MASSDE identifies this area as **needing further conversation and examination** to determine how best to ensure systemic compliance.

Section 2. Free Appropriate Public Education (FAPE) continued

2.3 Availability of Extended School Year

Requirement:

MASSDE is responsible under 34 CFR §300.300 for ensuring that all public agencies consider the need for extended school year (ESY) services and make those services available as a component of a free appropriate public education, as necessary to meet the unique needs of an individual child with a disability.

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas: **SE 21 (2 & 5)** (School day and school year requirements).

- SE21 #2 - Team routinely considers need for ESY - **93% compliance** (52 of 56 districts)
- SE21 #5 - ESY is identified if student requires it - **93% compliance** (52 of 56 districts)
- Problem Resolution System (PRS) data indicates only 2 intakes, both of which were non-compliant and subsequently resolved. This data represents a very small sample and is not considered determinative nor is this data appropriately treated as baseline data.

Steering Committee Review of Data as of June 2002:

The Steering Committee was consistent in their finding that this issue is no longer a systemic problem, however, there was also a clear consensus that the data set doesn't provide a lot of information except about the consideration of the need for ESY. The Steering Committee asked if it was possible that MASSDE gather data on how many students actually get extended year services in the Commonwealth.

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MASSDE is considering how such information may be gathered in such a manner as to usefully respond to the questions asked by the Steering Committee.

Evidence of Systemic Compliance

With baseline data at **93% compliance**, MASSDE identifies this area as **systemically compliant**. Even with 93% compliance, any individual district findings in this area will continue to be addressed with appropriate corrective action as part of MASSDE's ongoing review of special education compliance. Recognizing that the field of special education and the parents involved in the field of special education are continuously changing and, therefore, needing continuous focus, MASSDE will continue to review compliance rates in this key area to ensure no less than 93% compliance in the CPR reviews.

Section 2. Free Appropriate Public Education (FAPE) continued

2.4 Lack of Integration Opportunities for Children with Disabilities Placed in Separate Educational Environments

Requirement:

MASSDE is responsible for ensuring that all public agencies have available and consider placement options to the extent necessary to implement the IEP for each child with a disability. [34 CFR §§300.551(a) and 300.552(b).]

MASSDE must ensure that public agencies remove a student from the regular education environment only when the nature or severity of the disability is such that education in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily as required by 34 CFR §300.550(b)(2).

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas:

- **SE 1 (2c)** LRE is part of decision making of Team - **86% compliant** (49 of 56 districts)
- **SE 20** (Least Restrictive Program Selected) - **80% compliant** (45 of 56 districts).
- **SE 56 (2)** (Special education programs and services are evaluated) - **43% compliant** (24 of 56 districts).
- Problem Resolution System (PRS) data on LRE issues indicates only 10 intakes, half of which were non-compliant and subsequently resolved. This data represents a very small sample and is not considered determinative nor is this data appropriately treated as baseline data.

Steering Committee Review of Data as of June 2002:

The Steering Committee was consistent in their finding that this issue continues to be a systemic problem, however, although the data set responds to the federal requirements, it doesn't respond to the stated issue. The Steering Committee asked MASSDE to consider what kind of training can address the issue of availability of the LRE, but little welcome in the LRE from staff unfamiliar with students with disabilities. We agreed that continued training on best practices for inclusive education was critical to this area.

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Evidence of Systemic Compliance

With baseline data ranging from 43% to 86% compliant, MASSDE identifies this area as **needing 93% compliance** in the SE areas SE1 and SE20. The Steering Committee and MASSDE additionally identified SE56 as a new need area for the Continuous Improvement Plan and since it is relatively non-responsive to this compliance area, SE56 will no longer be considered baseline data for Section 2.4 in the FAPE area. 93% compliance in SE1 and SE20 is, therefore, considered systemic compliance in relation to regularly scheduled onsite monitoring for this area. Even with 93% compliance in the initial findings of the CPR reviews, any individual district findings in this area would be addressed with appropriate corrective action as part of MASSDE's ongoing review of special education compliance. Recognizing that the field of special education and the parents involved in the field of special education are continuously changing and, therefore, needing continuous focus, MASSDE would continue to review compliance rates in this key area to ensure no less than 93% compliance in the CPR reviews. Further, MASSDE agrees that continuous training in this area is critical whether or not systemic compliance is attained.

Section 2. Free Appropriate Public Education (FAPE) continued

2.5 Opportunity for Children with Disabilities to be Involved and Progress in the General Curriculum

Requirement:

The 1997 IDEA amendments at 20 U.S.C. 1414(c)(1)(B)(iv) & (d)(1)(A) require that in evaluating a child with a disability, a public agency determine the child's ability to participate in the general curriculum; and that the IEP includes a statement of the special education and related services including supplementary aids and services to be provided for the child to be involved and progress in the general curriculum.

The 1997 IDEA amendments at 20 U.S.C. 1414(d)(3)(c) require that the public agency ensure that the IEP team for each child with a disability who is, or may be in regular education, includes the regular education teacher to the extent appropriate to participate in the development of the IEP for the child.

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas:

- **SE 1 (2d)** (evaluation data is used to include information on enabling the student to be involved in a progress in the general curriculum) - **91% compliance** (51 of 56 districts)
- **SE 2** (Required and optional assessments) - **46.5% compliance** (26 of 56 districts)
- **SE 8** (Evaluation Team composition) - **50% compliance** (28 of 56 districts)
- **SE 9 (1f)** (Eligibility determination is related to ability to make effective progress) - **96% compliance** (54 of 56 districts)
- **SE 18 (2)** (IEP includes specially designed instruction and related services necessary to make effective progress) - **80% compliance** (45 of 56 districts)
- **SE 33**, (Involvement in the general curriculum) - **87.5% compliance** (49 of 56 districts)
- **SE 49** (Related Services) - **81% compliance** (46 of 56 districts).

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Steering Committee Review of Data as of June 2002:

The Steering Committee was consistent in their finding that this issue continues to be a systemic problem, however, although the data set responds to the federal requirements, it doesn't respond as well to the stated issue, with some of the SE categories somewhat non-responsive to the issue of involvement and progress. The Steering Committee asked MASSDE to consider the data set and how it may be more responsive. Although data was provided to the Steering Committee on student progress and performance on the Massachusetts Comprehensive Assessment System (MCAS), that data was not well-discussed in the Steering Committee meeting.

Evidence of Systemic Compliance

With baseline data indicating varying levels of compliance, but a clear dissatisfaction with the data as the correct means of determining compliance with the area of need, MASSDE identifies this area as **needing further conversation and examination** to determine the best data set and how best to ensure systemic compliance.

Section 2. Free Appropriate Public Education (FAPE) continued

2.6 Lack of Opportunity for Involvement of Children with Disabilities in Regular Vocational Education Programs with Appropriate Supports as Determined by the IEP Form.

Requirement:

Each public agency must take steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency including art, music, industrial arts, consumer and homemaking education, and vocational education. [34 CFR §300.305.]

The IEP must include a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child to be educated and participate with other children with disabilities and nondisabled children. [20 U.S.C. 1414(d)(A)(iii).]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas:

- SE 6 (2) (Determination of transition services) - **84% compliance** - (47 of 56 districts)
- SE 48 (2) (FAPE): Equal opportunity to participate in educational, nonacademic, extracurricular and ancillary programs, as well as participation in regular education) - **91% compliance** (51 of 56 districts)
- Additional numerical data was gathered on the types of vocational programs and services provided to students. This data indicates that many students received opportunities to discuss vocational options, visit job sites, experience short term work, enroll in the vocational programs of various schools and have coursework that is academic and highlights application to the world of work. However, it simply counts those opportunities and does not assist in determining compliance.

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Steering Committee Review of Data as of June 2002:

The Steering Committee was consistent in their belief that this issue continues to be a systemic problem, however, they were also consistent in their frustration with the data set and were, therefore, unwilling to make a finding as to whether this issue had been resolved or not. The Steering Committee asked MASSDE to consider the data set and how it may be more responsive.

Evidence of Systemic Compliance

With baseline data indicating varying levels of compliance, but a clear dissatisfaction with the data as the correct means of determining compliance with the area of need, MASSDE identifies this area as **needing further conversation and examination** to determine the best data set and how best to ensure systemic compliance.

Section 3. Secondary Transition

3.1 Outcome Oriented Statements of Transition That Include the Required Components

Requirement:

MASSDE must include a statement of transition services in the IEPs of students with disabilities, indicating that students aged 16 or older is receiving appropriate transition planning. [20 U.S.C. 1401(30)]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas:

- **SE 6** (Determination of transition services) - **70% compliance** (40 of 56 districts)

Steering Committee Review of Data as of June 2002:

The Steering Committee thought that this issue is on the way to resolution, although clearly episodic issues continue to appear. However, the Steering Committee was also consistent in their frustration with the data set. The new IEP form has both assisted in the area of better planning and made it more difficult to easily monitor compliance since transition elements are integrated with the overall IEP rather than separately sited in the IEP form. The Steering Committee agreed this was an issue that is hard to monitor and asked MASSDE to consider the data set and how it may be more responsive.

Evidence of Systemic Compliance

With a clear dissatisfaction with the data as the correct means of determining compliance with the area of need, MASSDE identifies this area as **needing further conversation and examination** to determine the best data set and how best to ensure systemic compliance.

Section 3. Secondary Transition continued

3.2 Method for Ensuring that Outside Agencies Likely to be Providing or Paying for Post-School Activities Are Invited To The IEP Meeting and That There is a Method For Obtaining Their Input If They Do Not Attend

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Requirement:

To facilitate the student's movement to post-school activities, a representative of any agency that is likely to be providing or paying for any of the transition services the student will need upon completion of high school is to be invited to the meeting and participate in the planning of transition services, and if the representative does not attend, other steps shall be taken to obtain the participation of the agency in the transition planning process. [34 CFR §300.344(c), now §300.344(b).]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following areas:

- **SE 6 (4)** Ch. 688 referral - **93% compliance** - (52 of 56 districts)
- **SE 6 (5)** reconvening the Team when the agency fails to provide service - **98% compliance** (55 of 56 districts)

Steering Committee Review of Data as of June 2002:

The Steering Committee generally reflected a belief that the lack of agency attendance is not a result of the school districts failure to invite but rather a result of lack of funds and personnel at the agency level. The Steering Committee generally felt that the districts were inviting agencies, but if they were unable to attend, agency input was rarely gained in other ways. A key question for the Steering Committee that was not answered by the data was how did the invitations go out, and when, and whether agencies really had a fair opportunity to participate in other ways.

Evidence of Systemic Compliance

The baseline data of **93% and 98% compliance** is sufficient to indicate **general systemic compliance with the initiation of the contact with agencies**. However, no data was reviewed or available relative to the other steps taken by the district if the agency did not attend, therefore, this area remains unresolved relative to the ability of districts to obtain agency input in other ways. MASSDE identifies this area as **needing further conversation and examination** to determine the best data set for the second part of the question to ensure overall systemic compliance.

Section 3. Secondary Transition continued

3.3 Students Invited to Meeting if Transition Planning is a Purpose of the Meeting

Requirement:

If a purpose of the meeting is transition planning, the agency shall invite the student, and if the student does not attend, the public agency shall take other steps to ensure the student's interests and preferences are considered. [34 CFR 300.3(c), now §300.344(b).]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following area:

- **SE 6 (6)** (Students invited to meeting) - **91% compliance** (51 of 56 districts).
- Numerical data gained through survey of CPR districts indicates that, by report, 4,697 meetings related to transition were held, at which 57% of the time a student was in attendance (2,687) and

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30% of the time the student's participation occurred in an alternative fashion (1,391). Thus, 13% of the time there was no discernable student participation (619). These numbers suggest an approximate compliance rate of 87%.

Steering Committee Review of Data as of June 2002:

The Steering Committee generally reflected a belief that this area is well on the way to resolution. A key question for the Steering Committee that was not answered by the data was when the student was not invited or invited, but did not participate even alternatively, why? And how did the school respond? There was a belief that our monitoring should focus on the 619 students who did not participate in any evident manner according to the survey information.

Evidence of Systemic Compliance

With baseline data at 87-91% compliance, MASSDE identifies this area as needing 93% compliance in the SE area and the survey data. Such levels are considered systemic compliance in relation to regularly scheduled onsite monitoring for this area. Even with high compliance in the initial findings of the CPR reviews, any individual district findings in this area would be addressed with appropriate corrective action as part of MASSDE's ongoing review of special education compliance. Recognizing that the field of special education and the parents and students involved in the field of special education are continuously changing and, therefore, needing continuous focus, MASSDE would continue to review compliance rates in this key area to ensure no less than 95% compliance in SE area for the CPR reviews.

Section 3. Secondary Transition continued

3.4 Statement of Transition Service Course of Study Beginning at Age 14

Requirement:

The IDEA 1997 Amendments require that the IEP of each student beginning at age 14, and updated annually, includes a statement of the transition service needs of the child under that applicable components of the IEP that focuses on the child's course of study. 20 U.S.C. 1414(d)(1)(A)(vii)(I).

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to Massachusetts Comprehensive Program Review (CPR) Findings in the following area:

- SE 6 (6), (Consider course of study) - 89% compliance (50 of 56 districts)

Steering Committee Review of Data as of June 2002:

The Steering Committee generally reflected a belief that this area is on the way to resolution. The Steering Committee reflected some frustration with the data because it only indicates if there was a discussion not whether the discussion was effective. Further, there was a strong belief that this requirement is still not well understood. The Steering Committee recommended that MASSDE consider providing specific and detailed guidance on what a school district may do to meet both the requirement and the spirit of the requirement.

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Evidence of Systemic Compliance

With baseline data at 89% compliance, MASSDE identifies this area as **needing 93% compliance** in the SE area to be considered resolved. Even with high compliance in the initial findings of the CPR reviews, any individual district findings in this area would be addressed with appropriate corrective action as part of MASSDE's ongoing review of special education compliance. Recognizing that the field of special education and the parents and students involved in the field of special education are continuously changing and, therefore, needing continuous focus, MASSDE would continue to review compliance rates in this area to ensure no less than 93% compliance for the CPR reviews.

Section 4. General Supervision

4.1 Effective Methods for Identifying and Correcting Deficiencies in Programs Providing Services to Children with Disabilities

Requirement:

MASSDE is responsible for ensuring the requirements of Part B are met, that all programs for children with disabilities in the State are under MASSDE's general supervisory authority, and that these programs meet the educational standards of MASSDE. [20 U.S.C. §1412(a)(11).]

Evaluation Indicators -- Baseline Data

Baseline data: The 2000-2001 school year provides baseline data related to MASSDE's general supervision:

- Comprehensive Public School Program Reviews (CPRs) occurred in 56 districts with an additional 22 districts receiving Mid-Cycle Reviews (MCRs) in Special Education.
- The Problem Resolution System (PRS) had 952 special education inquiries, resulting in 503 formal signed complaints, all of which received findings within required timeline standards as established by OSEP
- 19 Private School Program Reviews were conducted.

Steering Committee Review of Data as of June 2002:

The Steering Committee generally reflected their satisfaction with the onsite monitoring presence of the Department and its ongoing activities to engage with districts found out of compliance until compliance is accomplished. The Department also wants to acknowledge the extensive levels of followup monitoring that is conducted through ongoing reviews of written Progress Reports prepared in response to local public and private school Program Review Corrective Action Plans. Comments were made about increased satisfaction with the Problem Resolution System (complaint management) activities of the Department.

Evidence of Systemic Compliance

This area is considered **fully compliant** in that MASSDE has regular and ongoing methods of identifying and correcting deficiencies in programs providing services to children with disabilities.

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Section 4. General Supervision continued

4.2 Ensuring that all eligible children with disabilities, including those receiving services through charter schools, receive a free appropriate public education

Requirement:

MASSDE has an obligation to ensure that all eligible children residing in the State with disabilities have available to them a free appropriate public education no later than the child's third birthday. This provision applies to all public agencies within the State. [See 34 CFR §300.121.]

Baseline data:

- Comprehensive Program Reviews for 2000-2001, occurred in 56 districts including 8 charter schools, for 2001-2, 10 charter schools were monitored either through CPR or MCR, and for 2002-3, 12 charter schools are scheduled for CPR or MCR monitoring.
- The Problem Resolution System (PRS) had 41 intakes in 2000-2001 related to charter schools and made findings on all complaints within required timelines, non-compliance findings resulted in corrective action plans. Charter schools
- An overall monitoring schedule for all public programs, including charter schools, occurs at least every three years. Charter schools receive the full coordinated program review, including all follow-up activities as needed.

Steering Committee Review of Data as of June 2002:

As noted above, the Steering Committee generally reflected their satisfaction with the monitoring presence of the Department and its ongoing activities to engage with charter schools found out of compliance until compliance is accomplished.

Evidence of Systemic Compliance

This area is considered **fully compliant** in that MASSDE has regular and ongoing methods of identifying and correcting deficiencies in all charter schools in the Commonwealth. Full compliance with the general supervision responsibilities of the Department does not, however, constitute full compliance with the special education requirements on the part of the Charter Schools -- many of whom continue to show evidence that providing special education services was not part of the original plan.