

Massachusetts: Promised land or purgatory for special ed?

By Nicole Muller

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SOUTH YARMOUTH - "Massachusetts has the reputation of being the Promised Land of special education," said Ellen Chambers.

"Parents call me and ask where they can move where it's better. The answer is that there's no place to move. Stay put and fight for your children's rights," said the founder and executive director of SPEDWatch, an activist civil-rights movement fighting for the educational rights of all Massachusetts children with disabilities.

Chambers met with parents and educators from across the Cape March 7 at South Yarmouth Library to explain her mission and gather their support.

"We recognize that school districts do not have the money they need to meet the letter of the law," she said. "We don't blame the people; we blame the system. The federal government has promised to pick up 40 percent of each state's special education costs, and they've never come anywhere close to it. The latest statistics show about 18 percent funding."

Chambers launched SPEDWatch in 2006 after a 10-year fight for equal education for her daughter Sarah, 16, diagnosed at age 3 with high-functioning autism. Frustrated with the public schools' inability to adequately address her daughter's needs, Chambers finally enrolled Sarah in a private school, where she's now preparing for college.

SPEDWatch addresses the causes of what members consider educational discrimination against children with disabilities: noncompliance with special education laws; poor funding of all education; and misunderstanding about who special education students are and what they are capable of achieving.

Achievement gap is erroneous

Chambers' study of the 2007 reviews of 250 school systems showed that 75 percent "failed to consistently follow state and federal regulations in evaluating students, in developing individual education plans [IEPs] and in reporting student progress. We have no unified system that ensures equal rights for all students," she said.

"Most people still think a learning disability means mental retardation," Chambers noted. But in Massachusetts, only about 10 percent of the 163,000 students with IEPs show permanent cognitive impairment. "So 90 percent of our state's SPED population is entirely capable of learning at the same

level as their non-disabled peers," she said. "They learn differently, but are entirely capable given proper services."

Statewide MCAS statistics for 2007 show that in English Language Arts, 74.1 percent of all non-IEP students performed at the proficient/advanced level versus 27.3 percent of those on IEPs, a 46.8 percent achievement gap, up from 42.6 percent in 2003.

The state's gap is even wider in mathematics. In 2007, 60.5 percent of all students scored in the proficient/advanced category versus 18.3 percent of IEP students, a 42.2 percent gap, up 6.4 percent from 2003.

Chambers asked why SPED students' MCAS scores are not improving. "I realized that what's missing is the parents. When the system is wrong, we who are impacted need to stand up and say, 'This is not OK. Pretty good is not acceptable. All we ask is that the law be observed.'"

State refuses to set goal

More than 50 SPEDWatch demonstrators let their voices be heard Jan. 11 at the Malden office of the state DOE after acting Commissioner of Education Jeffrey Nellhaus refused to set a goal of eliminating school-district non-compliance with special education laws.

"The Department shares the goal of eliminating all non-compliance, yet believes it would be misleading for us to set this as a goal for the Department itself," Nellhaus wrote in response to SPEDWatch's request. "We do not have direct control over the day-to-day operations of the Commonwealth's more than 1,800 school buildings; we do not sit as a member of the IEP team for the more than 163,000 students with disabilities; nor do we directly supervise school committees, superintendents, special education directors and other district-level leaders who are charged with implementing state and federal laws and regulations."

Chambers said Nellhaus' argument "does not hold water." She contends that as a recipient of federal funding under the Individuals with Disabilities Education Act, the DOE must comply with all requirements of the act.

"We will continue to bring our demands to the table and try to work out compliance through respectful dialogue," Chambers said. "Parents need to join together in huge numbers, and we hope the schools will join us, to ensure equal educational opportunities for all of our SPED students."