



August 2, 2010

Karla Brooks Baehr, Deputy Commissioner
Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Deputy Commissioner Baehr:

We are in receipt of your July 30, 2010 letter in which you state that the Department will not require school districts to locate and compensate students who have potentially been harmed by special education noncompliance ESE has identified.

The hypocrisy of the Department's position is unacceptable. We remind you of the following pledge you made in the Commonwealth's Race to the Top application:

Our administration ... have committed to doing whatever it takes to provide every student in the Commonwealth with the tools, supports, technology and innovation necessary to ensure that each graduate is prepared to succeed in college, careers, and life in the 21st century.

The overwhelming failure rate of the Commonwealth's students with disabilities is directly and substantially related to serious and longstanding noncompliance with special education regulations in our public schools. The Department's refusal to locate and help the students harmed by such noncompliance ensures that they will not be prepared to succeed in college, careers, and life in the 21st century.

Hiding behind federal and state laws and regulations that do not require the Department to act as SPEDWatch has requested is cowardly and immoral.

Sincerely,

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