



SPEDWatch
Special Education Activism

Wachusett Regional School District

Grade: F

Massachusetts Department of
Elementary and Secondary Education
Coordinated Program Review

Summary of
AREAS OF REGULATORY NONCOMPLIANCE

April 8, 2008

Coordinated Program Review System

The Massachusetts Department of Elementary and Secondary Education (MDESE) is responsible for monitoring local school district compliance with special education law. They do this through their Coordinated Program Review (CPR) System. Each public school district and charter school in Massachusetts receives a comprehensive Coordinated Program Review every six years.

For the CPR, MDESE selects from the complete set of federal and state special education regulatory requirements those key compliance criteria that research has shown to be most essential in providing programs of high quality for students with special needs.

A team of two to eight MDESE staff, together with any necessary outside consultants, conducts the CPR over a two to ten day period. During this time the MDESE team interviews administrative, instructional, and support staff across all grade levels; as well as parents and others who ask to be interviewed. A representative sample of student records is reviewed, and classroom and facility observations are conducted.

Upon completion of the CPR, MDESE issues a report of its findings. Where criteria are not fully met, the local district or charter school must propose a Corrective Action Plan to bring those areas into compliance. School district Corrective Action Plans must be approved by MDESE.

MDESE also sends a monitoring team midway through the six-year cycle to complete an onsite special education Mid-Cycle Review (MCR). Again, the review consists of onsite interviews and observations as well as examination of documentation and records. Thus each public school district and charter school in Massachusetts is monitored once every three years for compliance with special education law.¹

Why Noncompliance Matters

Noncompliance can have serious consequences for students, especially when it involves:

1. Student Evaluation - Proper student evaluation is critical because it forms the basis for all educational decisions. Without an accurate assessment of a student's needs, it is impossible to develop an effective plan of instruction and support. The result for the student is failure, while the school district wastes scarce resources on ineffective instruction and services.
2. Progress Reporting - Progress reporting allows parents and schools to keep tabs on a student's growth and, importantly, allows educators to respond quickly when progress is not being made as expected. Without proper progress reporting a student can very easily "fall through the cracks." A student's lack of progress and the district's outlay of funds for services that are ineffective can go undetected for an entire school year, or more.

¹ *Coordinated Program Review Procedures, Mid-cycle Review, Information Package, School Year 2006-2007.* Massachusetts Department of Education. http://www.doe.mass.edu/pqa/review/cpr/midcycle_infopk.pdf

3. Timelines - Before a student can receive needed services s/he must be evaluated; a school team must convene to make decisions about eligibility, educational programming and placement; and those decisions must be put in written form for the parent's signed consent. Regulations require that these activities occur within 45 school (not calendar) days. With intervening weekends, vacation days, holidays, snow days, and professional days, a student can wait as long as two and a half months before receiving badly needed help. Exceeding timelines has an immediate and negative impact on a student's education.
4. Staff Training - It is ultimately school district administrators and instructional staff who ensure that a child's special education rights are protected. For this reason regulations require that school personnel be aware of special education regulatory requirements. If staff do not know what a child is entitled to as a matter of law, critical decisions can too easily be made based on administrative convenience or budget concerns, rather than on the child's needs.
5. IEP Development² - Proper development of the IEP is critical because it is the blueprint that all staff follow when working with a student. A student can be properly evaluated in a timely manner and still not receive an appropriate education if the IEP is not developed correctly. Regulations regarding IEP development include ensuring that instruction and services are tailored to the specific needs of the child, and that the student's goals are expressed in measurable terms so that meaningful progress reporting can occur. Services, accommodations, and modifications listed in the IEP must be provided as a matter of law. Conversely, if something does not appear in the IEP, the district is under no obligation to provide it.
6. Program Evaluation - In addition to monitoring the progress of individual students, schools are required to regularly evaluate the overall effectiveness of their special education programming and administration. This evaluation must include consideration of local and statewide assessment results, drop out rates, and graduation rates for special education students. Such an evaluation only makes good sense since the make up of a district's special education population, and its needs, will change over time. Failure to evaluate overall program effectiveness places students at risk of failure, and the district at risk of wasting scarce financial resources.
7. Team Meeting Participants - All decisions regarding a student's special education program are made by an IEP Team which includes individuals who meet to discuss the student in detail. Regulations specify who must participate on the Team. If any of the required personnel are missing from these Team discussions appropriate decisions may not be made, seriously jeopardizing the student's education.

² The Individualized Educational Program, or IEP, is a written document specific to an individual student that details the content of the student's educational plan, including the services to be provided.

8. Service Locations - Recognizing the harm done by the many years of segregation experienced by students with disabilities prior to enactment of federal special education law, Congress requires that these students be educated alongside their non-disabled peers to the maximum extent appropriate.³ This is referred to as the Least Restrictive Environment (LRE) mandate. The law also requires that the facilities and classrooms used by students with disabilities be at least equal in all physical respects to the average standards of general education facilities and classrooms. Anything less represents disparate, discriminatory treatment.
9. Behavior/Discipline - Congress realizes that in school, the behavioral manifestations of disability are often inappropriately treated as discipline problems. For that reason, the law specifically requires that schools treat behavioral difficulties as educational issues (if the behavior is a result of the student's disability) by responding with appropriate services and supports. The law prohibits schools from punishing children for disability-related behavior.⁴

The Price Students Pay

We include in this report the percentage of students in the district whose disability type entails significant cognitive (intellectual) impairment, along with the most recent MCAS results for students with and without disabilities. This gives us one way to assess whether or not students with disabilities are learning at a rate commensurate with their ability.

Students with significant cognitive impairments usually represent a small minority of a district's special education population (approximately 5-15 %.) In most districts 85-95% of students with disabilities do not have significant cognitive impairments and are as intellectually capable as their non-disabled peers. The academic achievement of students with and without disabilities should therefore be substantially similar in those districts. However, there is typically an extremely wide achievement gap between the two groups. SPEDWatch believes the chief cause of this achievement disparity is school district noncompliance with special education law which denies students the services they need to learn at a rate commensurate with their innate ability.

Important Note

This document summarizes only areas of regulatory noncompliance cited by MDESE. Please use the link provided in the footnotes if you wish to view the district's Coordinated Program Review Report in its entirety.

³ Note that regulations require students to be included in regular education programming to the maximum extent 'appropriate,' not to the maximum extent 'physically possible.' This is an important distinction, intended to safeguard the rights of *all* students to a quality education.

⁴ This does not mean school officials are powerless to intervene. The law gives school officials the right to consider any unique circumstances on a case-by-case basis when contemplating the removal of a student with a disability from school. In addition, school authorities have the right to remove a student from school, even over parental objections, if the student possesses a weapon, possess or uses illegal drugs, or has inflicted serious bodily injury.

Wachusett Regional School District Grade: F

Report Date: April 8, 2008

MDESE reviewed Wachusett Regional School District's compliance with 58 different special education regulatory criteria. The district was found to be in compliance with only 25 of these. If we were to grade the district as we typically grade students (percent of questions answered correctly) Wachusett would earn a score of 43% ... an F.⁵

Of the thirteen disability categories recognized by special education law, only Developmental Delay, Intellectual Impairment, and Multiple Impairment allow for significant cognitive impairment.⁶ These are disabilities which *may* put academic proficiency out of reach for students. For the 2006-2007 school year Wachusett reported the following statistics for their special education population:

8 % of Wachusett students with disabilities, aged 3-9, were identified as Developmentally Delayed.

5 % of Wachusett students with disabilities, aged 3-21, were identified as Intellectually Impaired.

2 % of Wachusett students with disabilities, aged 3-21, were identified as Multiply Impaired.

The vast majority of Wachusett students with special needs do not have significant cognitive impairments. These students are as intellectually capable as their non-disabled peers of reaching academic proficiency given appropriate special education services. Despite this, the academic achievement gap between Wachusett students with and without disabilities (as measured by MCAS) is enormous.

MCAS Spring 2007- Wachusett RSD Percent of Students Scoring Proficient or Better ⁷

	All <u>Students</u>	Spec Ed <u>Students</u>	Achievement <u>Gap</u>
Grade 3 Reading	71	38	33 points
Grade 3 Math	73	43	30 points
Grade 4 English	65	21	44 points
Grade 4 Math	61	24	37 points
Grade 5 English	73	34	39 points
Grade 5 Math	70	33	37 points
Grade 5 Science	74	41	33 points
Grade 6 English	81	25	56 points
Grade 6 Math	67	20	47 points
Grade 7 English	83	33	50 points
Grade 7 Math	58	5	53 points
Grade 8 English	89	53	36 points
Grade 8 Math	61	16	45 points
Grade 8 Science	58	23	35 points
Grade 10 English	86	47	39 points
Grade 10 Math	82	36	46 points

⁵ See entire report at <http://www.doe.mass.edu/pqa/review/cpr/reports/2008/0775.pdf>

⁶ See Code of Federal Regulations at 34 CFR 300.8

⁷ MDESE <http://profiles.doe.mass.edu/mcas/subgroups2.aspx?district=775&school=&mcasyear=2007>

Areas of Noncompliance

The following text is taken directly from Wachusett Regional School District's CPR Report dated April 8, 2008

At the preschool level ... assessments are not tailored to assess specific areas of educational and developmental need, and do not include assessments in the behavioral or social domains. The district relies on one Early Intervention (EI) assessment as the sole criterion for determining eligibility.

The district routinely uses EI assessments that are several months to over one year old when developing students' IEPs and recommending services. Student observations are conducted at the preschool level; however, observation reports are not written and documented in student records.

Reports of assessment results from one speech and language evaluator and two school psychologists do not define in detail and in educationally relevant and common terms the student's needs, offering explicit means of meeting them.

The district is not ensuring the effective transition of young children from EI programs, as IEPs are not based on current levels of development and functioning.

IEP Teams for students taking the alternate MCAS assessment do not identify the learning strands and standards indicating how students will participate, as IEPs omit prompts for this required information.

Transition goals are not individualized at the high school level. Transition plans routinely contain one goal, "graduation from high school." Transition plans, student vision statements and IEPs are not aligned. IEPs rarely reference student preferences, interests, community experiences, development of employment or other post-school adult living objectives, functional vocational evaluations, and post-school goals. IEPs also omit transition documentation on IEP page 2 Present Levels of Educational Performance (PLEP B).

IEP vision statements and current levels of functioning, as well as IEP goals and objectives, were written verbatim from previous years, even though progress reports indicate that these goals and objectives had been achieved. In addition, IEPs do not include specially designed instruction, and age specific and general considerations are not routinely addressed [in] ... the IEP.

Related services are not always based on the needs of the student, but instead services are based on provider availability, as provider schedules cannot accommodate related services in inclusive settings.

Placement decisions do not reflect the least restrictive environment consistent with the needs of the student. Staff report that the district relies heavily on developmental classrooms for students with significant cognitive disabilities, and inclusion in the general education classroom is not routinely considered.

At the preschool level IEP Teams develop IEPs based only on assessment data from EI. If further evaluations are requested, the district sends parents extended evaluation forms rather than consent to evaluate forms for initial evaluations.

IEPs omit required components of the Nonparticipation Justification statement. IEPs do not state why the removal [from the mainstream] is considered critical to the student's program, and the basis for its conclusion that education of the student in a less restrictive environment, with the use of supplementary aids and services, could not be achieved satisfactorily.

The district does not identify extended school year (ESY) programming during IEP development and in the presence of the Team. During April, teachers submit ESY referrals to the central office and telephone conferences with the parents are routinely held.

Vocational opportunities at Wachusett Regional High School, especially in grades 9 and 10, are limited. IEP Teams do not consistently ensure that IEPs include career exploration and preparation, mentoring opportunities, job coaching, or other vocational opportunities for students who do not gain admission to a vocational high school.

While it appears that all schools implement Adapted Physical Education programs, these activities are not documented in IEPs, with the exception of Thomas Prince Elementary School.

IEPs do not contain Functional Behavioral Assessments or Behavioral Intervention Plans (BIPs). IEP[s] ... do not address all required areas and do not include behavior, social/emotional needs and nonacademic activities. While behavior plans are being utilized in the classrooms, BIPs are not documented in student records.

Speech and language services are often provided by a speech and language assistant instead of the speech and language pathologist, as agreed upon in the IEP.

While ... Team chairpersons have full authority to commit fiscal resources of the district, interviews were inconsistent in this regard. Several interviewees reported that Team chairpersons would have to check with a higher administrative authority prior to approving assistive technology and home-based services.

While the district is documenting parent excusals for Team meeting attendance, records do not contain written input from absent Team members related to the IEP development.

Evaluations are not always completed within 30 days of receipt of consent from the parent.

The district does not document when independent educational evaluation reports are received. As a result, the district cannot ensure that Teams reconvene within ten school days of receiving the independent educational evaluation report.

Evaluation consent forms are not sent to parents in a timely manner, as a result re-evaluations are not conducted every three years.

The district is not documenting the date of receipt for parent referrals and parents are not being sent evaluation consent forms within five days.

Progress report checklists consistently note that students are making progress toward IEP goals; however, this is contradictory to progress report narratives written by teachers. While related service provider progress reports were exemplary, IEP progress reports focusing on academics were frequently written verbatim for different reporting periods.

The Chocksett Middle School has a substantially separate 7th and 8th grade tutorial class consisting of 22 special education students. Each special education tutorial has two paraprofessionals in each room and a special education teacher who floats between the two classes during the same time block. This exceeds regulatory requirements for instructional groupings.

Although the district represents to parents that the early childhood program is an inclusionary program, the classes do not have the appropriate number of children without disabilities required for inclusionary programs. Instead, the classes in the early childhood program qualify as substantially separate classes.

Dawson Elementary does not have a designated room for physical therapy. Services are currently provided in a hallway.

Houghton Elementary has stigmatizing signs designating "speech, student services" and a handwritten sign stating "resource room".

Chocksett Middle School has stigmatizing signs identifying "speech" and "resource room" on classroom doors.

Thomas Prince Elementary School has special education classrooms 102, 104, 106, 108, and 110 that are grouped together in one wing preventing inclusion into the life of the school.

Wachusett Regional High School houses the district-wide LD program in rooms CO 22 and CO 24. This is a substantially separate program located in the basement and has no windows, which is not equal in all physical respects to the average standards of general education facilities and classrooms.

While the district encourages paraprofessionals to take online courses through the Para Educator Learning network, staff at all levels report that paraprofessionals are not appropriately trained to assist in providing special education or related services appropriate to their responsibilities. Staff report that the district relies heavily on paraprofessionals at all levels for inclusion support, for which they have not received specific training. Paraprofessionals do not participate in district-wide or school based trainings.

Not all staff have been provided with training on analyzing and accommodating diverse learning styles of all students in order to achieve an objective of inclusion in the regular classroom of students with diverse learning styles.

One year prior to the student reaching age 18, the district informs the student of his or her right at age 18 to make all decisions in relation to special education programs and services. However, students are not signing IEPs upon turning 18 and students who have shared responsibility are not co-signing IEPs.

Upon a finding of no eligibility for special education, the district has a practice of automatically placing students on Section 504 Accommodation Plans, which has resulted in a high number of students placed on these plans throughout the district.

Teachers are not always informed of their specific responsibilities related to the implementation of a student's IEP.

Related service providers conduct three-year reevaluation assessments prior to receipt of parental consent.

Parents are not informed that documents may be translated upon request. While the district provides interpreters for meetings, documents, evaluation reports and IEPs are not translated.

While document review indicates that the district has a monitoring plan and interviews indicate that liaisons keep logs of contact for students in out of district placements, several monitoring plans found in student records were blank.

A review of documentation and interviews indicate that the director of early childhood is not appropriately licensed.

SPEDWatch, Inc. is a grassroots, non-profit, social change movement fighting to secure the educational rights of all Massachusetts schoolchildren with disabilities (ages 3-21.) We are an activist organization. We provide these Coordinated Program Review Summary Reports as a way to familiarize the public with the high rate of noncompliance with special education law in our public schools, and its human consequences.