

**Table B – Massachusetts Part B  
Previously-Identified Issues**

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 4:</b></p> <p>OSEP’s September 12, 2005 letter required MASSDE to provide data and analysis documenting the review of district-level policies, procedures and practices in districts with significant discrepancies regarding disciplinary suspensions and expulsions, as required by 34 CFR §300.146.</p>	<p>On pages 20-25 of the SPP, MASSDE reported that five districts (1.5% of all school districts) were identified for a review of their policies and procedures, due to a significant difference in the rate of children with IEPs who were expelled or suspended.</p>	<p>MASSDE did not report on the review of district-level policies, procedures and practices in districts with significant discrepancies regarding disciplinary suspensions and expulsions for the five districts that it had identified.</p>	<p>In the APR due February 1, 2007, MASSDE must report on the reviews and any needed corrections in the districts that it identified for review due to significant discrepancies in rates of disciplinary suspensions and expulsions.</p>
<p><b>Indicator 9:</b></p> <p>OSEP’s September 12, 2005 letter required MASSDE to submit the results of its review of policies, procedures and practices for districts with significant disproportionality in the identification of children with disabilities, or a plan for reviewing policies, procedures and practices for districts with significant disproportionality in the identification of children with disabilities as required at 34 CFR §300.755.</p>	<p>On pages 39-42 of the SPP, MASSDE presented its process for identifying disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. In addition, MASSDE described how it reviews policies, procedures and practices for districts with significant disproportionality in the identification of children with disabilities.</p>	<p>OSEP accepts the State’s plan for correcting this previously-identified noncompliance with 34 CFR §300.755.</p>	<p>The State must provide data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP’s determination of the State’s status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 12:</b></p> <p>OSEP's September 12, 2005 letter required MASSDE to provide baseline data regarding the percentage of children referred by Part C prior to age 3 and who are found eligible for Part B and receive special education and related services by their third birthdays.</p>	<p>On page 46 of the SPP, MASSDE reported baseline data demonstrating that 77% of children referred by Part C prior to age 3, who are found eligible for Part B, had IEPs developed and implemented by their third birthdays.</p>	<p>Data demonstrate noncompliance.</p>	<p>MASSDE must ensure that this noncompliance is corrected within one year of its identification and include data in the APR, due February 1, 2007, that demonstrate compliance with this requirement. The State should review and, if necessary revise, its improvement strategies included in the SPP to ensure they will enable the State to include data in the APR, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 15:</b></p> <p>OSEP's September 12, 2005 letter required MASSDE to provide baseline data in its SPP, regarding the percent of noncompliance related to monitoring priority areas and indicators corrected within one year from identification; the percent of noncompliance related to areas not included in the monitoring priority areas and indicators corrected within one year of identification; and the percent of noncompliance identified through other mechanisms corrected within one year of identification, as required by 34 CFR §300.600.</p>	<p>On page 53 of the SPP, MASSDE acknowledged that it never required the correction of noncompliance within one year of identification. On page 55 of the SPP, MASSDE indicated that data it collects through its monitoring system was not responsive to this indicator and that it was unable to report whether noncompliance was corrected within one year from identification.</p>	<p>MASSDE was unable to meet the data reporting requirements for 15A and 15B of this indicator. On page 55 of the SPP, MASSDE stated that by May 2006, it would have a system for tracking the completion of corrective actions. The State is not in compliance with 34 CFR §300.600.</p>	<p>MASSDE must review and, if necessary, revise its improvement strategies to ensure they will enable the State to include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p> <p>The State must include, in the FFY 2005 APR, due February 1, 2007, data demonstrating that the noncompliance identified in FFY 2004 (July 1, 2004 through June 30, 2005) has been corrected, and data demonstrating that noncompliance identified in FFY 2005 (July 1, 2005 through June 30, 2006) is corrected within one year of identification. Failure to include these data will affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>

Issue	State Submission	OSEP Analysis	Required Action
<p><b>Indicator 16:</b></p> <p>OSEP's September 12, 2005 letter required MASSDE to provide data in its SPP demonstrating compliance with complaint timelines at 34 CFR §300.661, or a plan to ensure correction of the noncompliance within one year from OSEP's acceptance.</p>	<p>The data on page 73 of the SPP indicated that 69% of signed written complaints with reports issued in 2004-2005 were resolved within required timelines.</p>	<p>The data MASSDE submitted demonstrated a decline from the 82% compliance in 2003-2004 to 69% compliance for 2004-2005. MASSDE presented a plan to achieve the 100% target. OSEP accepts this plan to correct the State's noncompliance with 34 CFR §300.661.</p>	<p>MASSDE must include data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement. Failure to demonstrate compliance at that time may affect OSEP's determination of the State's status under section 616(d) of the IDEA.</p>
<p><b>Indicator 17:</b></p> <p>OSEP's September 12, 2005 letter required MASSDE to provide data in the SPP demonstrating correction of previously-identified noncompliance with due process timelines at 34 CFR §300.511.</p>	<p>On page 63 of the SPP, MASSDE reported 91.6% compliance with Part B timelines for due process hearings for 2004-2005.</p>	<p>The State reported a 91.6% level of compliance for this indicator in the SPP. While this level of compliance is below 100% and requires improvement activities to achieve full compliance, OSEP recognizes the effort made by the State in working toward compliance with this requirement.</p>	<p>OSEP looks forward to reviewing data in the APR, due February 1, 2007, that demonstrate full compliance with this requirement.</p>