

2016 Determination of Need for Special Education Technical Assistance or Intervention¹

The U.S. Department of Education requires Massachusetts to determine districts'² specific needs for technical assistance or intervention in the area of special education based on six categories:

- **Meets Requirements – Provisional (MRP)**
- **Meets Requirements (MR)**
- **Meets Requirements – At Risk (MRAR)**
- **Needs Technical Assistance (NTA)**
- **Needs Intervention (NI)**
- **Needs Substantial Intervention (NSI)**

Since 2012, the Department of Elementary and Secondary Education (ESE) has combined district accountability determinations with the district's determination of need for special education technical assistance or intervention. While each district's accountability and assistance level is determined based on the performance of its schools, special education determinations also take into account special education compliance information. A district's accountability determination includes both accountability and assistance level and a special education determination. The special education determination categories correspond to the district's level, except in those cases where the district has not demonstrated compliance with special education regulations³. See descriptive alignment information below:

¹ As required by federal Section 616(b)(1)(A) and 642 of the Individuals with Disabilities Education Act (IDEA-2004).

² The term "district" includes districts composed of single schools such as charter or regional vocational high schools.

³ All districts must meet state and federal special education requirements and, if any specific areas of non-compliance with special education requirements are identified, the district must engage in corrective action(s), regardless of the accountability level. Where non-compliance is significant, ESE reserves the right to reassign the special education determination regardless of the accountability level.

Accountability & Assistance Level	Performance Criteria	Special Education Determination
<i>Insufficient data</i>	A district that is small, ends in grades 1 or 2, or does not have at least 4 consecutive years of assessment data, unless the district was independently classified into Level 4 or 5 as a result of Board action	Meets Requirements – Provisional. The district is too small or too new to be issued an accountability determination
<i>Level 1</i>	All schools in the district are Level 1 and district-level participation rates are at or above 95 percent, unless the district was independently classified into Level 4 or 5 as a result of Board action	Meets Requirements. Outcomes for the district as a whole indicate positive progress
<i>Level 2</i>	The most serious level of any school in the district is Level 2 or the district has between 90 and 95 percent participation for any group in any subject, unless the district was independently classified into Level 4 or 5 as a result of Board action	Meets Requirements – At Risk. The district is considered to be making progress, but is “at risk” for not meeting the needs of students with disabilities
<i>Level 3</i>	The most serious level of any school in the district is Level 3 or the district has less than 90 percent participation for any group in any subject, unless the district was independently classified into Level 4 or 5 as a result of Board action	Needs Technical Assistance. While areas of the district’s performance may be positive, one or more schools are experiencing poor outcomes for students with disabilities and/or are having compliance issues
<i>Level 4</i>	The most serious level of any school in the district is Level 4, or the Board of Elementary and Secondary Education classified the district into Level 4 at the recommendation of the Commissioner	Needs Intervention. The district has been identified as having significantly poor outcomes for students with disabilities and/or significant compliance issues requiring direct attention from ESE
<i>Level 5</i>	The Commissioner classified the district into Level 5 as a result of one or more of the following: <ul style="list-style-type: none"> • A district review; • The report of an ESE-appointed accountability monitor; • A follow-up review report; • Quantitative indicators set out in state regulations; or • Failure of a Level 4 district to meet the ESE-approved benchmarks or goals in its improvement plan in a timely manner 	Needs Substantial Intervention. The district has persistent poor outcomes for students with disabilities and/or significant compliance issues requiring direct attention from ESE

ESE will continue to provide historical special education determination information; however, it is important to note that the alignment of the accountability and special education determinations has resulted in a substantial shift in the number of districts in each of the MR, MRAR, and NTA categories since 2012. Prior to the alignment, the technical assistance and intervention activities were limited to special education. Now, ESE is able to assist districts in a more holistic and coordinated manner. Activities in response to these determinations will take place throughout the 2016-17 school year, and ESE will provide assistance and interventions consistent with each level in ways that coordinate the work of multiple ESE offices, when appropriate. ESE, through its Public School Monitoring office, will continue to intervene at all levels when non-compliance is identified.

The numbers of districts in each special education determination category are in the table below:

Year	MRP	MR	MRAR	NTA	NI	NSI
2009	-	320	31	25	15	0
2010	-	372	9	8	1	1
2011	-	325	45	11	7	1
2012	-	91	202	65	12	1
2013	16	87	216	63	10	1
2014	20	70	231	66	9	2
2015	24	71	239	59	8	3
2016	22	76	236	62	8	3

Meets Requirements – Provisional (MRP): 22 districts

These 22 districts are too small or too new to have sufficient data and therefore are not assigned an accountability and assistance level, however, all districts must receive a special education determination. Therefore, these 22 districts receive a special education determination of “Meets requirements – Provisional” (MRP). ESE does not plan to engage in direct technical assistance or intervention with these districts except in relation to specific areas of special education non-compliance.

Meets Requirements (MR): 76 districts

The 76 districts at MR achieved an accountability rating of Level 1. ESE does not plan to engage in direct technical assistance or intervention with these districts except in relation to specific areas of special education non-compliance.

Meets Requirements – At Risk (MRAR): 236 districts

ESE recommends that the 236 districts with a rating of MRAR review the performance of their students with disabilities and make specific efforts to improve their performance going forward. ESE will not engage in direct technical assistance or intervention except in relation to specific areas of special education non-compliance.

Needs Technical Assistance (NTA): 62 districts

51 of the 62 districts needing technical assistance have received the NTA rating more than once. One district is receiving this determination level because of compliance issues. ESE’s Office of Special

Education Planning and Policy Development (SEPP) will coordinate with other ESE offices to offer targeted assistance related to identified areas of need. The targeted assistance may include:

- Directing the district's use of funds made available under fund code 240 to allow for planning for multiple years to improve results for students with disabilities (Making Money Matter (M3)); and/or other grant programs administered by ESE, as appropriate;
- Requiring participation in specified technical assistance activities; and/or
- Requiring a review of the data submitted by the district in one or more areas of special education to ensure information is valid, reliable, and timely.

Needs Intervention (NI): 8 districts

Seven of the 8 districts have received this determination more than once. One district is receiving this determination for special education non-compliance. SEPP will coordinate with other ESE offices, and may include actions outlined under NTA above, as well as:

- Withholding a percentage of the district's special education grant funds , as appropriate;
- Conducting an unscheduled monitoring visit; and/or
- Requiring specific policies, procedures, or curriculum improvement activities.

In addition, all districts identified as NI are prohibited from using the flexibility available under the maintenance of effort provisions of IDEA and will be required to budget for special education in 2016-17 at least as much state and/or local funds in the aggregate or per pupil as it budgeted in 2015-16.

Needs Substantial Intervention (NSI): 3 districts

There are three Level 5 districts with a special education determination of NSI. These districts are in receivership with the state. ESE may take any other enforcement activity determined to be required, including all activities identified for other levels and/or the following:

- Recovering state or federal special education funds, as appropriate;
- Conducting a review of the district's fiscal effort according to the maintenance of effort requirements of the law;
- Denying the district's participation in discretionary grant programs until improvements are completed; and/or
- Requiring specific personnel assignment under ESE's direction.

In addition, all districts identified as NSI are prohibited from using the flexibility available under the maintenance of effort provisions of IDEA and will be required to budget for special education in 2016-17 at least as much state and/or local funds in the aggregate or per pupil as it budgeted in 2015-16.

A list of districts by accountability and assistance level is available on ESE's [website](#). To view a district's accountability report, which includes special education determination information, visit ESE's [School and District Profiles](#) website.