U.S. Department of Education

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

June 22, 2021

Honorable Margret R. Cooke

Acting Commissioner

Department of Public Health

250 Washington Street, 6th Floor

Boston, Massachusetts 02108

Dear Acting Commissioner Cooke:

I am writing to advise you of the U.S. Department of Education’s (Department) 2021

determination under sections 616 and 642 of the Individuals with Disabilities Education Act

(IDEA). The Department has determined that Massachusetts needs assistance in meeting the

requirements of Part C of the IDEA. This determination is based on the totality of the State’s data

and information, including the Federal fiscal year (FFY) 2019 State Performance Plan/Annual

Performance Report (SPP/APR), other State-reported data, and other publicly available

information.

With the FFY 2019 SPP/APR submission, the Office of Special Education Programs (OSEP)

requested that States and Entities report whether and how the data collection for any indicator

was impacted by the COVID-19 pandemic. Specifically, OSEP requested that States and Entities

include in the narrative for each impacted indicator: (1) the impact on data completeness,

validity, and/or reliability for the indicator; (2) an explanation of how COVID-19 specifically

impacted the State’s or Entity’s ability to collect and verify the data for the indicator; and (3) any

steps the State or Entity took to mitigate the impact of COVID-19 on the data collection and

verification. OSEP appreciates States’ and Entities’ level of transparency regarding the impact of

COVID-19 on the data reported in the FFY 2019 SPP/APR. When making determination

decisions for 2021, OSEP considered all information submitted that related to the impact of the

COVID-19 pandemic. For 2021 determinations, no State or Entity received a determination of

“Needs Intervention” due solely to data impacted by COVID-19.

Your State’s 2021 determination is based on the data reflected in the State’s “2021 Part C

Results-Driven Accountability Matrix” (RDA Matrix). The RDA Matrix is individualized for

each State and consists of:

(1) a Compliance Matrix that includes scoring on Compliance Indicators and other compliance factors;

(2) Results Components and Appendices that include scoring on Results Elements;

(3) a Compliance Score and a Results Score;

(4) an RDA Percentage based on both the Compliance Score and the Results Score; and

(5) the State’s Determination.

The RDA Matrix is further explained in a document, entitled “How the Department Made

Determinations under Sections 616(d) and 642 of the Individuals with Disabilities Education Act

in 2021: Part C” (HTDMD).

The OSEP is continuing to use both results data and compliance data in making the Department’s

determinations in 2021, as it did for the Part C determinations in 2015-2020. (The specifics of

the determination procedures and criteria are set forth in the HTDMD and reflected in the RDA

Matrix for your State.) For 2021, the Department’s IDEA Part C determinations continue to

include consideration of each State’s Child Outcomes data, which measure how children who

receive Part C services are improving functioning in three outcome areas that are critical to

school readiness:

• positive social-emotional skills;

• acquisition and use of knowledge and skills (including early language/communication);

and

• use of appropriate behaviors to meet their needs.

Specifically, the Department considered the data quality and the child performance levels in each

State’s Child Outcomes FFY 2019 data.

You may access the results of OSEP’s review of your State’s SPP/APR and other relevant data

by accessing the EMAPS SPP/APR reporting tool using your State-specific log-on information at

<https://emaps.ed.gov/suite/>. When you access your State’s SPP/APR on the site, you will find, in

Indicators 1 through 10, the OSEP Response to the indicator and any actions that the State is

required to take. The actions that the State is required to take are in the “Required Actions”

section of the indicator.

It is important for you to review the Introduction to the SPP/APR, which may also include

language in the “OSEP Response” and/or “Required Actions” sections.

You will also find all of the following important documents saved as attachments to the Progress

Page:

(1) the State’s RDA Matrix;

(2) the HTDMD document;

(3) a spreadsheet entitled “2021 Data Rubric Part C,” which shows how OSEP calculated the

State’s “Timely and Accurate State-Reported Data” score in the Compliance Matrix; and

(4) a document entitled “Dispute Resolution 2019-2020,” which includes the IDEA section

618 data that OSEP used to calculate the State’s “Timely State Complaint Decisions” and

“Timely Due Process Hearing Decisions” scores in the Compliance Matrix.

As noted above, the State’s 2021 determination is Needs Assistance. A State’s 2021 RDA

Determination is Needs Assistance if the RDA Percentage is at least 60% but less than 80%. A

State would also be Needs Assistance if its RDA Determination percentage is 80% or above, but

the Department has imposed Specific Conditions on the State’s last three IDEA Part C grant

awards (for FFYs 2018, 2019, and 2020), and those Specific Conditions are in effect at the time

of the 2021 determination.

The State’s determination for 2020 was also Needs Assistance. In accordance with section

616(e)(1) of the IDEA and 34 C.F.R. § 303.704(a), if a State is determined to need assistance for

two consecutive years, the Secretary must take one or more of the following actions:

(1) advise the State of available sources of technical assistance that may help the State

address the areas in which the State needs assistance and require the State to work with

appropriate entities; and/or

(2) identify the State as a high-risk grantee and impose Specific Conditions on the State’s

IDEA Part C grant award.

Pursuant to these requirements, the Secretary is advising the State of available sources of

technical assistance, including OSEP-funded technical assistance centers and resources at the

following website: <https://osep.communities.ed.gov/>, and requiring the State to work with

appropriate entities. In addition, the State should consider accessing technical assistance from

other Department-funded centers such as the Comprehensive Centers with resources at the

following link: <https://compcenternetwork.org/states>. The Secretary directs the State to determine

the results elements and/or compliance indicators, and improvement strategies, on which it will

focus its use of available technical assistance, in order to improve its performance. We strongly

encourage the State to access technical assistance related to those results elements and

compliance indicators for which the State received a score of zero. Your State must report with

its FFY 2020 SPP/APR submission, due February 1, 2022, on:

(1) the technical assistance sources from which the State received assistance; and

(2) the actions the State took as a result of that technical assistance.

As required by IDEA section 616(e)(7) and 34 C.F.R. § 303.706, your State must notify the

public that the Secretary of Education has taken the above enforcement action, including, at a

minimum, by posting a public notice on its website and distributing the notice to the media and

to early intervention service (EIS) programs.

States were required to submit Phase III Year Five of the SSIP by April 1, 2021. OSEP

appreciates the State’s ongoing work on its SSIP and its efforts to improve results for infants and

toddlers with disabilities and their families. We have carefully reviewed and responded to your

submission and will provide additional feedback in the upcoming weeks. Additionally, OSEP

will continue to provide technical assistance to your State as it implements the SSIP, which is

due on February 1, 2022.

As a reminder, your State must report annually to the public, by posting on the State lead

agency’s website, on the performance of each EIS program located in the State on the targets in

the SPP/APR as soon as practicable, but no later than 120 days after the State’s submission of its

FFY 2019 SPP/APR. In addition, your State must:

(1) review EIS program performance against targets in the State’s SPP/APR;

(2) determine if each EIS program “meets the requirements” of Part C, or “needs assistance,”

“needs intervention,” or “needs substantial intervention” in implementing Part C of the IDEA;

(3) take appropriate enforcement action; and

(4) inform each EIS program of its determination.

Further, your State must make its SPP/APR available to the public by posting it on the State lead

agency’s website. Within the upcoming weeks, OSEP will be finalizing a State Profile that:

(1) includes the State’s determination letter and SPP/APR, OSEP attachments, and all State

attachments that are accessible in accordance with Section 508 of the Rehabilitation Act

of 1973; and

(2) will be accessible to the public via the ed.gov website.

OSEP appreciates the State’s efforts to improve results for infants and toddlers with disabilities

and their families and looks forward to working with your State over the next year as we

continue our important work of improving the lives of children with disabilities and their

families. Please contact your OSEP State Lead if you have any questions, would like to discuss

this further, or want to request technical assistance.

Sincerely,

OSEP Acting Director

David Cantrell, PhD

Acting Director

Office of Special Education Programs

cc: State Part C Coordinator