*Refreshed September 16, 2014*

Special Circumstances for Salary Upgrades Policy

**November 1, 2006**

Introduction

This document summarizes the work of analyzing the issues associated with upgrading the salaries of staff in private special education programs through the Special Circumstances provision of the Operational Services Divisions' regulation *808 CMR 1.00, Compliance, Reporting and Auditing for Human and Social Services.*

This policy was developed by the programs’ major stakeholders and purchasers, consisting of representatives from the Massachusetts Association of Superintendents, the Association of Special Education Administrators (ASE), the Massachusetts Association of Approved Private Schools (maaps), the Department of Education (DOE), the Department of Social Services (DSS) and the Operational Services Division (OSD). The group consisted of representatives from the Massachusetts Association of Superintendents, the Association of Special Education Administrators (ASE), the Massachusetts Association of Approved Private Schools (maaps), the Department of Education (DOE), the Department of Social Services (DSS) and the Operational Services Division (OSD).

This document contains the background and summary of the issue of predictability and notice for the Local Education Authorities (LEAs). The scope of this policy is then defined, followed by the policy for these requests.

Special Circumstances for Salary Upgrades Background

The issue of salary levels between private special education program staff and those of their public counterparts has been raised as a concern. This gap has created problems of recruitment and retention for private school staff and may impact the delivery of Department of Education mandated services through Individual Education Plans to students entrusted to the care of the private programs. Private programs report that they are losing staff to public schools after investing in these professionals primarily because of higher public school salaries and better benefits for a shorter school year.

The Operational Services Division, with the consent of the Department of Education, has been addressing the salary upgrade issue on a case-by-case basis through the application of Special Circumstances. Specifically, 808 CMR 1.06(7)(c), states:

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| Special Circumstances. With the consent of DOE and the Contractor, DPS may authorize a price determined in any manner consistent with St. 1993, c. 110, § 274, as amended, should DPS determine that price determination methods under 808 CMR 1.06 are inapplicable to the private school or produce a result which is inconsistent with St. 1993, c. 110, § 274, as amended. |

However, the resolution of the salary issue for several schools has generated concern on the part of the public purchasers for absorbing not only the tuition increases already authorized but an unknown number and impact of similar upcoming requests. Notice of pending price adjustments well in advance of the increase is needed for cities and towns to incorporate additional special education costs into their budgets and to explain the increases to their finance committees.

This document sets forth the policy for ensuring adequate notice and a degree of predictability for upcoming requests. The effective date of this policy is November 1, 2006.

Scope of the Special Circumstances for Salary Upgrades Policy

The scope of this policy document is limited to those Special Circumstances requests for salary upgrades only. Thus, it does not pertain to other pricing methodologies, such as Extraordinary Relief, (808 CMR 1.06(4)), Reconstruction (808 CMR 1.06(3)), new programs (808 CMR 1.06(3)) or Special Circumstances for other reasons.

Policy and Deadline for Notice for Special Circumstances Requests

***Policy:*** Private special education programs must provide purchasers, the Department of Education and the Operational Services Division with a notice of intent to apply for salary upgrades through the Special Circumstances provision of the Operational Services Division regulation 808 CMR 1.06(7)(c).

Purchasers include:

* Superintendents
* Special Education Administrators
* Executive Branch purchasing departments (a contact list is attached to this document)

This notice must include the reasons for the Special Circumstances request (salary upgrades), the requested tuition price and the proposed effective date of the increase. The notice must state that the proposed effective date for the increase is the earliest date that the increase will take effect.

***Deadline for Notice: October 1 for a price increase on or after July 1 of the following fiscal year:***

* Please refer to Prompt Notification to Purchasers of Submission of Applications for Program Changes

**Conclusion**

The requirement for advance notice, as specified in this policy document, will address the purchasers' concerns pertaining to adequate notice and predictability. This notice requirement is intended to give purchasers the information needed (requested tuition and proposed effective date) to enable them to adequately predict and plan for tuition price increases for their special education students who are attending private special education programs.