

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

None

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to safety and teacher preparedness in approved private special education schools.

PETITION OF:

NAME:

Ben Tobin

DISTRICT/ADDRESS:

SENATE No.

A petition (accompanied by bill, Senate, No.) of Ben Tobin for legislation relative to safety and teacher preparedness in approved private special education schools

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to safety and teacher preparedness in approved private special education schools.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Purpose:

2 To ensure that students in approved private special education schools are being provided
3 with an appropriate education as defined in the Massachusetts state constitution and as defined
4 under the IDEA federal law 20 U.S.C. § 6368(3)(4)(5)(6)(7) and in the state’s ESSA plan for
5 accountability.

6 Preamble:

7 Instructors who work in the approved private special education schools established under
8 chapter 71B work with a highly vulnerable population of students. Students who are placed in
9 these programs have usually struggled in the public school system for many years, and families
10 typically have to reach a settlement with a school district to gain a placement in one of these
11 taxpayer funded private programs. The private schools, for their part, argue that the services they
12 provide are more robust than a public school’s and that they will be able to remediate the key

13 foundational skills students are lacking. Students are meant to gain the skills they need to be able
14 to thrive in the general education setting. Currently, there is no empirical source of data or data
15 profile kept on the approved programs despite receiving substantial state funding. MCAS scores
16 are rolled back into the sending district, and these programs are not evaluated for their
17 curriculum. This has established a two-tiered system of accountability that favors the private
18 interest that is, in fact, not private, given the state funding being used for these programs. It is
19 critical that the expertise of the educators working in these programs be publicly available
20 information, and that these staff members hold the appropriate licensure and training credentials
21 to work with these students.

22 Requirements:

23 Any staff member and administrator working in an approved private special education
24 school in the commonwealth of Massachusetts must possess a professional license in moderate
25 or severe disabilities in order to receive and maintain employment in an approved private special
26 education school and to work with students in this setting. Furthermore, staff and administration
27 must hold proven and appropriate credentials in evidence-based programming that meet the
28 requirements of the federal and state law 20 U.S.C. § 6368(3)(4)(5)(6)(7) (e.g Lindamood Bell,
29 Orton Gillingham, Corrective Reading, REWARDS). These credentials and licensure must be
30 made available publicly on the website of the approved private special education school in order
31 to receive funds from the commonwealth.

32 Approved Private Schools may NOT be granted waivers or emergency licenses for staff
33 at any time. Any staff currently teaching in these settings without the proper certification and
34 training must acquire these credentials within a six month period in order to retain their position.

35 Furthermore, if any significant number of staff and administration of an approved private
36 special education school lack these credentials, the Massachusetts Department of Elementary and
37 Secondary Education shall remove accreditation status until such time as the staff and
38 administration are properly licensed and credentialed with special education licensure and the
39 appropriate training for the designated population. Staff and administration must have both the
40 professional license and at least two credentials in an evidence-based approach, and sufficient
41 time having been trained in an evidence-based approach, to be able to work with students in an
42 approved private special education school setting.

43 Data:

44 Staff and administrators working in the approved private special education schools must
45 adhere to the guidance from the Massachusetts Department of Elementary and Secondary
46 Education on progress monitoring. If there is not an approved progress monitoring system in
47 place, the approved private school will not be able to remain accredited. Data from the progress
48 monitoring system, approved by the federal and state agencies, must be shared with parents and
49 guardians, advocates, surrogate special education parents, the sending school district, and any
50 other stakeholders in the student's education on a weekly basis.

51 Decisions for instruction and intervention must be based on, and provably, based on this
52 progress data to ensure that students are not being provided with an intervention that does not
53 work, or if the need of the student changes following a successful intervention.

54 Professional Development:

55 Professional Development in approved private special education schools cannot be
56 internally driven. Outside professionals must be brought into the school to provide training and

57 guidance for staff and administrators in the school. The professional development cannot be
58 based on approaches or programming that does not meet the standards set out in the IDEA and
59 ESSA laws as well as state policies, regulations, and procedures (e.g constructivist approaches).
60 Professional development for staff and administrators must be made available publicly on the
61 website of the approved private special education school in order to be considered valid. The
62 credentials of presenters must be provided along with the nature of the professional development.
63 The Department of Elementary and Secondary Education must first approve the professional
64 development before it can be implemented to ensure that the professional development is aligned
65 with rigorous scientific evidence as established in the state and federal law.