

**SPECIAL COMMISSION ON
EDUCATION COLLABORATIVES**

Report to the Legislature

June 2013

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Executive Summary

In an effort to improve transparency and accountability in education collaboratives throughout the Commonwealth, the Massachusetts Legislature enacted Chapter 43 of the Acts of 2012, *An Act Relative to Improving Accountability and Oversight of Education Collaboratives*. Section 5 called for the creation of a special commission to study the role of education collaboratives. The Commission was charged with developing recommendations in seven areas.

The Commission established three subcommittees to study the areas on which recommendations were required, meeting over the course of eleven months and holding one public hearing. As a result of its work, the Commission makes a number of findings and recommendations, further explained in this report.

To enhance the work of collaboratives and expand capacity for districts, the current framework of a *statewide network* should be established. The intent of this statewide network is to create a formal structure that covers the entire state incorporating all districts and collaboratives. This network will increase communication and coordination among all entities, including school districts, the Department of Elementary and Secondary Education (DESE), Readiness Centers, District and School Assistance Centers (DSACs), and Workforce Investment Boards (WIBs). As a result of this network, collaboratives will be able to have a dual role in serving their school communities by assisting in the roll-out of state initiatives and providing educational programs and services to students with disabilities.

Introduction

On March 2, 2012 Governor Patrick signed into law Chapter 43 of the Acts of 2012, *An Act Relative to Improving Accountability and Oversight of Education Collaboratives*. Among its numerous provisions, the law called for the creation of a special commission to study the role of education collaboratives. The statute required that the Commission be chaired by the co-chairs of the Joint Committee on Education and include representation of all stakeholders in the education community.

Statutory Charges

The Commission was directed to examine and make recommendations on the following:

- 1. Whether a statewide network of education collaboratives should be established to implement new programs and provide technical assistance in partnership with the department of elementary and secondary education, and if so, how such a network should be organized and funded*
- 2. Whether education collaboratives are appropriate settings for providing programs and services to developmentally disabled adults over the age of 22, and, if so, what measures should be taken to ensure proper accounting of, and funding for, all services provided by education collaboratives and related for-profit and non-profit organizations, for individuals not enrolled in or employed by elementary or secondary schools in the Commonwealth*
- 3. How to maximize the efficiency and capacity of existing education collaboratives*
- 4. The appropriate role and relationship, if any, between education collaboratives and related for-profit and non-profit organizations*
- 5. Appropriate compensation levels and authority of collaborative management employees*
- 6. The merits of merging or consolidating existing education collaboratives*
- 7. The provision of non-education related services by education collaboratives to other government entities and the appropriateness and effect of those provisions on the core mission and purpose of the collaborative*

Methodology

The Commission held ten meetings between May 2012 and May 2013 as well as one public hearing on December 19, during which members reviewed relevant research on education collaboratives in Massachusetts and around the country, took testimony from various Massachusetts stakeholders and researched specific areas. The Commission also solicited input from various stakeholders, including state and local officials and education practitioners from across the Commonwealth. (Appendix C. *Public Testimony*) The Commission leveraged the collective expertise of its members to engage in discussions about how to structure collaboratives throughout the state, how to increase the efficiency and capacity of collaboratives and what services should be addressed.

The Commission established three subcommittees to examine the following topics listed in its legislative charge:

- (1) ***Efficiency & Capacity:*** The role of the Efficiency & Capacity Subcommittee was to examine and make recommendations on the efficiency and capacity of education collaboratives across the Commonwealth. This subcommittee was charged with looking into the following areas: the financial, capital and organizational capacity of existing collaboratives and the quality as well as cost-effectiveness of collaborative services and programs;
- (2) ***Consolidation:*** The role of the Consolidation Subcommittee was to examine the benefits and challenges associated with the consolidation or merging of existing collaboratives. This subcommittee was charged with looking into the following areas: the impact that such consolidation would have on the current landscape of collaboratives and the factors and conditions that facilitate or hinder the consolidation of collaboratives; and
- (3) ***Other Services & Programs:*** The role of the Other Services and Programs Subcommittee was to examine the services provided by existing collaboratives across the Commonwealth. This subcommittee was charged with looking into the following areas: the scope and range of programs and services currently offered by collaboratives, assess whether or not there are other services that collaboratives should provide and whether collaboratives should provide non-educational services.

Each subcommittee met independently during the course of the year and presented final recommendations to the Commission relative to each charge. The specific recommendations of each subcommittee are included in the appendix of this report.

Current Landscape

Massachusetts education collaboratives are a type of Educational Service Agency (ESA). As defined by federal law, an ESA is “a regional public multi-service agency authorized by state statute to develop, manage and provide services or programs to local education agencies” (20 USCS §7801 (17)). There are currently 553 ESAs operating in 45 states across the United States. Maine, Delaware, Oklahoma, Nevada and Tennessee are the only states that do not have ESAs.

ESAs are categorized into three types: Type A) Special District Educational Service Agency; Type B) Regionalized Educational Service Agency/State Educational Agency; and Type C) Cooperative Educational Service Agency. Massachusetts is categorized as a Type C, which means collaboratives are formed by two or more local school districts. In Type C, the governing boards are comprised of local school committee members and services are provided directly to local school districts. The funding sources for Type C typically include local, state, and federal contributions, fee-for-service, and private grants.

Currently, there are 26 education collaboratives operating across the Commonwealth:

- ACCEPT Education Collaborative
- Assabet Valley Collaborative
- Bi-County Collaborative
- Concord Area Special Education Collaborative
- CAPS Education Collaborative
- CHARMS Collaborative
- Cape Cod Collaborative
- Central Massachusetts Special Education Collaborative
- Collaborative for Educational Services
- EDCO Collaborative
- FLLAC Collaborative
- Greater Lawrence Educational Collaborative
- LABBB Collaborative
- Lower Pioneer Valley Educational Collaborative
- Merrimack Special Education Collaborative
- North River Collaborative
- Northshore Education Consortium
- Pilgrim Area Collaborative
- READS Collaborative
- SEEM Collaborative
- Shore Educational Collaborative
- South Coast Educational Collaborative
- South Shore Educational Collaborative
- Southeastern Massachusetts Educational Collaborative
- Southern Worcester County Educational Collaborative
- The Education Cooperative

While collaboratives have existed in the Commonwealth since the 1970s, there still remain districts that are not members of a collaborative. Currently, 44 districts do not belong to any collaborative, while all other districts belong to at least one collaborative. Due to these variations, the current system does not allow for DESE to utilize collaboratives across the state for the purpose of implementing new state initiatives and/or professional development.

Findings & Recommendations

Charge #1

Whether a statewide network of education collaboratives should be established to implement new programs and provide technical assistance in partnership with the department of elementary and secondary education, and if so, how such a network should be organized and funded

➤ **Findings**

- There are currently 26 collaboratives in Massachusetts, but they do not serve all areas of the state and they represent a range of capacities.
- Some collaboratives provide only a narrow range of services while others provide a broad array of services.
- Collaboratives are not being utilized by all districts or DESE.

➤ **Recommendations**

- The state should be divided into six regions, with each collaborative assigned to one region.
- Every school district in the state shall be required to have an affiliation with at least one education collaborative in its region.
- One collaborative in each of the six regions shall be designated the *Regional Liaison* between DESE and all the collaboratives in the region.
- DESE shall create a description of what is required of the *Regional Liaison*, including necessary capacity.
- Interested collaboratives must seek the title of *Regional Liaison* within the particular region, through a vote of all collaboratives in the region, possibly overseen by the Massachusetts Organization of Educational Collaboratives (MOEC).
- The *Regional Liaison* will have a three-year term.
- A *Lead Collaborative* should be identified as the lead in rolling out a particular state initiative, which shall be the collaborative in each region best positioned to lead on a particular initiative.

Charge #2

Whether education collaboratives are appropriate settings for providing programs and services to developmentally disabled adults over the age of 22, and, if so, what measures should be taken to ensure proper accounting of, and funding for, all services provided by education collaboratives and related for-profit and non-profit organizations, for individuals not enrolled in or employed by elementary or secondary schools in the Commonwealth

➤ **Findings**

- Collaboratives that provide services for adults with developmental/intellectual disabilities (post-22) do so as contractors of the Department of Developmental Services (DDS). As such, collaboratives are subject to the rules and regulations of DDS and accountable directly to DDS.
- Collaboratives that are providing services to the adult population are primarily providing day/employment supports to those who have transitioned from special education services offered by those collaboratives.
- The age of those being served is between 22 – 66 years old.
- These services are funded by DDS and the governance/accountability is through the Collaborative Boards of Directors to DDS. Collaborative Boards of Directors consist exclusively of educational personnel, generally superintendents and school committee members.
- DDS Commissioner Elin Howe testified that the current DDS service system meets the agency's needs and capacity. DDS is not interested at the present time in expanding its vendors network due to the costs associated with expansion, but the Commissioner has no objection to allowing current collaboratives to continue providing services to the adult population.

➤ **Recommendations**

- Allow current collaboratives that provide adult services beyond age 22 to be grandfathered and require any collaborative that wishes to expand into the area of adult services to receive approval from the appropriate Commissioner or state agency.
- Chapter 43 of the Acts of 2012 along with DDS adequately addressed the issues of accountability and funding in collaboratives and related for-profit and non-profit organizations.

Charge #3

How to maximize the efficiency and capacity of existing education collaboratives

➤ **Findings**

- Capacity to respond to current demands for accountability and educational reform varies greatly across both collaboratives and school districts.
- Collaboratives have historically had trusting relationships with their school districts and they could be used to promote capacity regionally.
- This role will require either individual collaboratives with large capacity or a network of collaboratives throughout the region.

➤ **Recommendations**

- Require each collaborative to enter into a memorandum of understanding with DSACs, Readiness Centers, and WIBs to facilitate DESE's use of collaboratives to implement statewide educational/vocational initiatives.
- Develop incentives for creating collaborative special education classrooms for districts through the Massachusetts School Building Authority (MSBA).

Charge #4

The appropriate role and relationship, if any, between education collaboratives and related for-profit and non-profit organizations

➤ **Findings**

- Chapter 43 of the Acts of 2012 adequately addresses this charge.

➤ **Recommendations**

- No further legislative action necessary.

Charge #5

Appropriate compensation levels and authority of collaborative management employees

➤ **Findings**

- Salaries are negotiated with school committee boards, based upon the criteria considered for employment, such as years of experience, type of experience, and educational background.

➤ **Recommendations**

- No changes recommended, given the additional transparency and accountability required by Chapter 43 of the Acts of 2012.

Charge #6

The merits of merging or consolidating existing education collaboratives

➤ **Findings**

- There are 26 education collaboratives operating in Massachusetts; 283 school districts in Massachusetts belong to at least one education collaborative while 71 districts belong to more than one collaborative and 44 districts do not belong to any collaboratives.
- The greatest concentration of districts not belonging to a collaborative is in Western Massachusetts.
- Those districts belonging to multiple collaboratives receive different services from each collaborative.
- There are multiple options for structuring a system of collaboratives. Massachusetts has been operating under a “decentralized” system for many years where education collaboratives have formed locally and organically between two or more local school districts, with little to no state involvement. Generally, the present system is working well for many school districts and students across the state. At the same time, there are distinct benefits to merging or consolidating, which should be considered by all stakeholders.

➤ **Recommendations**

- Provide a mechanism for existing education collaboratives to voluntarily consolidate.

Charge #7

The provision of non-education related services by education collaboratives to other government entities and the appropriateness and effect of those provisions on the core mission and purpose of the collaborative

➤ **Findings**

- The Massachusetts Superintendent Survey indicated that the services that are most frequently provided include: special education, professional development and alternative education for at-risk students.
- Some collaboratives have provided other services, including bulk purchasing, Medicaid billing, IT, transportation and other administrative services.
- These districts/municipalities that utilize these other services find them very useful and cost effective.

➤ **Recommendations**

- Allow collaboratives to continue providing non-educational services to school districts and related governmental entities, such as bulk purchasing and IT.

Conclusion

Education collaboratives benefit their member districts and the children and families they serve across the Commonwealth. Nevertheless, even the highest functioning organizations could better serve their members if a statewide network existed. Such a network would facilitate open communication between all education entities in the state, including collaboratives, school districts, and the Department of Elementary and Secondary Education. A seamless partnership between collaboratives and the Department of Elementary and Secondary Education will assist each school district in rolling out new initiatives and eliminating unnecessary duplication of efforts.

Legislation will be required to implement some of the recommendations. In anticipation of this, H.458 *An Act Relative to Education Collaboratives* was filed. The hearing for this bill was held on June 6 to solicit testimony and the recommendations of this report will be considered by the Joint Committee on Education when reviewing this bill.

This report would not have been possible without the work of all the Commission Members and the assistance of the Secretary of Education, the former Secretary of Education, the Commissioner of Elementary and Secondary Education, the Attorney General, the State Auditor, the Inspector General, the Department of Developmental Services, the Division of Local Services, the Joint Committee on Children, Families, and Persons with Disabilities, the Arc of Massachusetts, the Association of Developmental Disabilities Providers, Inc., the Administrators of Special Education, the Federation for Children with Special Needs, the Massachusetts Association of School Business Officials, the Massachusetts Municipal Association, the Massachusetts Organization of Educational Collaboratives, and the Massachusetts Charter Public School Association. The Commission is committed to continuing its work in partnership with the Governor, the Legislature and other state agencies to improve the landscape of educational collaboratives throughout the Commonwealth.

Appendix A. Chapter 43 of the Acts of 2012

AN ACT RELATIVE TO IMPROVING ACCOUNTABILITY AND OVERSIGHT OF EDUCATION COLLABORATIVES

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to improve forthwith the accountability and oversight of education collaboratives, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Chapter 40 of the General Laws is hereby amended by striking out section 4E, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

Section 4E. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Charter school”, commonwealth charter schools and Horace Mann charter schools unless specifically stated otherwise.

“Charter school board”, the board of trustees of a charter school established under section 89 of chapter 71.

“Commissioner”, the commissioner of elementary and secondary education.

“Department”, the department of elementary and secondary education.

“District”, or “school district”, the school department of a city, town, regional school district or county agricultural school.

“Related for-profit or non-profit organization”, a for-profit or non-profit organization established under the laws of the commonwealth or any other state: (i) that, on average over a 3-year period, receives more than 50 per cent of its funding from 1 or more education collaboratives; or (ii) a primary purpose of which is to benefit or further the purposes of an education collaborative and which engages in business transactions or business arrangements, including pledges or assignments of collateral and loan guarantees or other contracts of suretyship, with the education collaborative.

“Superintendent”, the superintendent of the district.

(b) Two or more school committees of cities, towns and regional school districts and boards of trustees of charter schools may enter into a written agreement to provide shared programs and services, including instructional, administrative, facility, community or any other services; provided that a primary purpose of such programs and services shall be to complement the educational programs of member school committees and charter schools in a cost-effective manner. The association of school committees and charter school boards which is formed to deliver the programs and services shall be known as an education collaborative.

(c) The education collaborative shall be managed by a board of directors which shall be comprised of 1 person appointed annually by each member school committee or member charter school board. All appointed persons shall be either a school committee member, the superintendent of schools or a member of the charter school board. The commissioner shall appoint an individual to serve as a voting member of the education collaborative board of directors; provided that, to the extent feasible, the commissioner shall appoint an individual who has expertise in 1 or more of the following areas: educational programming and services, finance, budgeting and management oversight. Each member of the board of directors shall be entitled to a vote. No member of the board of directors shall receive an additional salary or stipend for their service as a board member. No member of the board of directors of an education collaborative shall serve as a member of a board of directors or as an officer or employee of any related for-profit or non-profit organization. The board of directors shall elect a chairperson from its members and provide for such other officers as it may determine are necessary, and may establish advisory committees as desired. Each collaborative board shall meet not fewer than 6 times annually. Each member of the board of directors shall be responsible for providing information and updates on the activities of the collaborative on a quarterly basis to the member's appointing school committee or charter school board at an open meeting. Each collaborative board member shall complete training provided by the department on the roles and responsibilities of the member's office within 60 days of the member's appointment. Said training shall include, but not be limited to, a review of the open meeting law, public records law, conflict of interest law, special education law, the budgetary process and the fiduciary and management oversight responsibilities of board members. The department shall develop the training with input from relevant stakeholders and shall promulgate regulations relative to the certification of completion of said training.

The written agreement which shall form the basis of the education collaborative shall set forth the following: (1) the mission, purpose and focus of the collaborative; (2) the program or service to be offered by the collaborative; (3) the financial terms and conditions of membership of the education collaborative, including a limit on the amount of cumulative surplus revenue that may be held by the collaborative at the end of a fiscal year; (4) the detailed procedure for the preparation and adoption of an annual budget; (5) the method of termination of the education collaborative and of the withdrawal of member school committees and charter school boards; (6) the procedure for admitting new members and for amending the collaborative agreement; (7) the powers and duties of the board of directors of the education collaborative to operate and manage the education collaborative; and (8) any other matter not incompatible with law which the member school committees and charter school boards consider advisable. No agreement or subsequent amendments shall take effect unless approved by the member school committees and member charter school boards and by the board of elementary and secondary education upon the

recommendation of the commissioner. A member school committee or member charter school board shall not delegate the authority to approve amendments to the collaborative agreement to any other person or entity. Each education collaborative, each member school committee or member charter school board and the department shall maintain a copy of the collaborative agreement, including any amendments to the agreement.

The board of directors of the education collaborative shall establish and manage a fund, to be known as an education collaborative fund, and each such fund shall be designated by an appropriate name. All monies contributed by the member cities or towns and charter schools and all grants or gifts from the federal government, state government, charitable foundations, private corporations or any other source shall be paid to the board of directors of the education collaborative and deposited in the fund.

The board of directors of the education collaborative shall appoint a treasurer who may be a treasurer of a city, town or regional school district belonging to the collaborative. The treasurer may, subject to the direction of the board of directors of the education collaborative, receive and disburse all money belonging to the collaborative without further appropriation. The treasurer shall give bond annually for the faithful performance of duties as collaborative treasurer in a form approved by the department of revenue and in a sum not less than the amount established by the department, as shall be fixed by the board of directors of the education collaborative. The board of directors of the education collaborative may pay reasonable compensation to the treasurer for services rendered. No member of the board of directors or other employee of the education collaborative shall be eligible to serve concurrently as treasurer of the collaborative. The treasurer of the education collaborative board of directors may make appropriate investments of the money of the collaborative consistent with section 55B of chapter 44. A business manager or employee of the education collaborative with responsibilities similar to those of a town accountant shall be subject to section 52 of chapter 41 and shall not be eligible to hold the office of treasurer of the collaborative.

The board of directors of an education collaborative may borrow money, enter into long-term or short-term loan agreements or mortgages and apply for state, federal or corporate grants or contracts to obtain funds necessary to carry out the purpose for which such collaborative is established; provided, however, that the board of directors has determined that any borrowing, loan or mortgage is cost-effective and in the best interest of the collaborative and its member cities or towns and charter schools. The borrowing, loans or mortgages shall be consistent with the written agreement and articles of incorporation of the education collaborative and shall be consistent with standard lending practices. The board of directors of an education collaborative shall notify each member school committee and charter school board within 30 calendar days of applying for real estate mortgages.

(d) Each education collaborative shall adopt and maintain a financial accounting system, in accordance with generally accepted accounting principles as prescribed by the governmental accounting standards board and any supplemental requirements prescribed jointly by the commissioner of elementary and secondary education and the commissioner of revenue, in consultation with the state auditor. Each collaborative shall maintain books of original entry, general and subsidiary ledgers, related accounting records and as appropriate, memorandum

records, work sheets, supporting cost allocations and computations, payroll and expenditure warrants, written contracts, staff logs, appointment books, evidence of teaching credentials or approval by programs, teaching schedules, canceled checks and paid invoices. The department, the state auditor and the department of revenue may review or audit any part of an education collaborative's records to ascertain whether the student, personnel and financial data reported by a collaborative are accurate, to ensure that the collaborative is complying with the applicable laws and regulations and to determine whether the collaborative is maintaining effective controls over revenues, expenditures, assets and liabilities. The department may enter into an interdepartmental service agreement with the operational services division to assist in reviewing collaborative finances.

Each board of directors of an education collaborative shall annually prepare financial statements, including: (1) a statement of net assets; (2) a statement of revenues, expenditures and changes in net assets; and (3) such supplemental statements and schedules as may be required by regulation. Each board of directors of an education collaborative shall annually cause an independent audit to be made of its financial statements consistent with generally accepted governmental auditing standards and shall discuss and vote to accept the audit report at an open meeting of the board. Each board of directors shall file such audit report and any related management letters annually on or before January 1 for the previous fiscal year with the department and the state auditor, and shall transmit a copy of such audit report and any related management letters to each member school committee and charter school board. The purchase by a government unit of social service programs, as defined in section 22N of chapter 7, from a collaborative, shall also require the collaborative to adhere to the uniform system of financial accounting, allocation, reporting and auditing requirements of the bureau of purchased services of the operational services division, in accordance with the requirements of said section 22N of said chapter 7.

The audited financial statements, accompanying notes and supplemental schedules shall disclose: (1) transactions between the education collaborative and any related for-profit or non-profit organization; (2) transactions or contracts related to the purchase, sale, rental or lease of real property; (3) the names, duties and total compensation of the 5 most highly compensated employees; (4) the amounts expended on administration and overhead; (5) any accounts held by the collaborative that may be spent at the discretion of another person or entity; (6) the amounts expended on services for individuals age 22 and older; and (7) any other items as may be required by regulation.

The department shall also be responsible for making information from the audits publicly available online, in human readable and machine readable formats; provided, however, that the department may designate the state agency with whom the department enters into an interdepartmental service agreement as the party responsible for making such information publicly available online.

(e) Each education collaborative shall submit an annual report, on or before January 1 for the previous fiscal year, to the commissioner, to each member school committee and to each member charter school board. The annual report shall be in such form as may be prescribed by the board of elementary and secondary education and shall include, but not be limited to: (1) information on the programs and services provided by the education collaborative, including discussion of

the cost-effectiveness of such programs and services and progress made towards achieving the objectives and purposes set forth in the collaborative agreement; and (2) audited financial statements and the independent auditor's report, as described in subsection (d). Each education collaborative shall publish such annual report on its internet website and shall provide a printed hard copy of the most recent annual report to members of the public upon request.

(f) The board of directors of the education collaborative may employ an executive director who shall serve under the general direction of the board and who shall be responsible for the care and supervision of the education collaborative. Said executive director shall not serve as a board member, officer or employee of any related for-profit or non-profit organization.

The board of directors of the education collaborative shall be considered to be a public employer and may employ personnel, including teachers, to carry out the purposes and functions of the education collaborative. No person shall be eligible for employment by the education collaborative as an instructor of children with severe special needs, teacher of children with special needs, teacher, guidance counselor, school psychologist, adjustment counselor, social worker, library media specialist, principal, supervisor, director, administrator of special education, assistant superintendent of schools or superintendent of schools unless the person has been granted a certificate by the commissioner under said section 38G of said chapter 71 or an approval under the regulations promulgated by the board of elementary and secondary education under chapter 74 with respect to the type of position for which the person seeks employment; provided, however, that nothing in this subsection shall be construed to prevent a board of directors of an education collaborative from prescribing additional qualifications. The board of the directors of an education collaborative shall appoint 1 or more registered nurses, subject to certification as a school nurse under said section 38G of said chapter 71, and shall provide such school nurse with all proper facilities for the performance of the school nurse's duties. The education collaborative shall consider and meet the staffing level required to address the specific health care needs of the students enrolled in the education collaborative. A board of directors of an education collaborative may, upon its request, be exempted by the commissioner for any 1 school year from the requirements of this section to employ certified or approved personnel when compliance with this subsection would in the opinion of the commissioner constitute a great hardship. No employee of an education collaborative shall be employed at any related for-profit or non-profit organization.

(g) The trustee, trustees or governing board of any related for-profit or non-profit organization shall file a copy of the annual written report for the preceding fiscal year as required under section 8F of chapter 12, including all attachments and schedules, with the commissioner within 10 days of filing said report with the attorney general; provided that any related for-profit or non-profit organization not required to submit a complete audited financial statement under section 8F of chapter 12 shall file a copy of said statement with the commissioner on or before January 1 for the preceding fiscal year. The audited financial statement shall be prepared and examined by an independent certified public accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion on the audited financial statement.

(h) The education collaborative shall be considered to be a public entity and shall have standing to sue and be sued to the same extent as a city, town or regional school district. An education

collaborative, acting through its board of directors, may, subject to chapter 30B, enter into contracts for the purchase of supplies, materials and services and for the purchase or leasing of land, buildings and equipment as considered necessary by the board of directors.

A school committee of a city, town or regional school district or charter school board may authorize the prepayment of monies for an educational program or service of the education collaborative to the treasurer of an education collaborative, and the city, town or regional school district or charter school treasurer shall be required to approve and pay the monies in accordance with the authorization of such school committee or charter school board.

(i) Each education collaborative shall establish and maintain an internet website that allows the public at no cost to search for and obtain: (1) a list of the members of the board of directors of the education collaborative; (2) copies of the minutes of open meetings held by the board of directors, which shall be posted within 30 days after the board has approved such minutes; (3) a copy of the written agreement and any subsequent amendments to the agreement; and (4) a copy of the annual report required under subsection (e).

(j) The department shall annually furnish a supplemental report on the Massachusetts Comprehensive Assessment System performance results of students served by each education collaborative.

(k) The department shall, at least once every 6 years, review and evaluate the programs and services provided by each education collaborative. Such review shall, at a minimum, assess compliance with the written agreement and any conditions imposed by the board of elementary and secondary education, and with the requirements of this section and any other applicable state and federal laws and regulations.

(l) Upon receipt of information regarding an education collaborative which, in the opinion of the commissioner, indicates the presence of circumstances at the collaborative that impede its viability or demonstrate deficiencies in programmatic quality or significant malfeasance, financial or otherwise, by any board member or employee of the collaborative, the commissioner may place such collaborative on probationary status to allow the implementation of a remedial plan. If such plan is unsuccessful, the commissioner may direct school districts and charter schools to withhold payments of public funds to the collaborative, and may, in consultation with the secretary of administration and finance, withhold state funds being directed to the collaborative; provided, further, that the board of elementary and secondary education may suspend or revoke for cause the written agreement of an education collaborative upon the recommendation of the commissioner. Any withholding of funds that occurs under this paragraph shall conclude when the commissioner finds and communicates in writing to the member school committees and member charter school boards that sufficient corrective actions are being taken by the collaborative to address the concerns that resulted in the withholding of funds.

(m) The board of elementary and secondary education shall promulgate, amend and rescind rules and regulations as may be necessary to carry out this section. At a minimum, the board shall promulgate regulations which prescribe (1) requirements and standards for the amount of cumulative surplus revenue that may be held by an education collaborative at the end of a fiscal

year and (2) requirements and guidelines for administrative proceedings conducted under subsection (1).

SECTION 2. The department of elementary and secondary education shall develop a model collaborative agreement that addresses the requirements and standards for approval within 6 months of the effective date of this act. The model agreement, which may be used by existing or future education collaboratives formed under section 4E of chapter 40 of the General Laws, shall be made available on the department's website.

SECTION 3. Any education collaborative formed under section 4E of chapter 40 of the General Laws prior to the effective date of this act shall revise its agreement to conform to said section 4E, as amended by this act, and shall resubmit such revised agreement to member school committees, member charter school boards of trustees and the board of elementary and secondary education for approval within 12 months of the effective date of this act.

SECTION 4. An education collaborative formed under section 4E of chapter 40 of the General Laws shall not provide services to individuals over the age of 22; provided, however, that an education collaborative or a related for-profit or non-profit organization providing services to individuals over the age of 22 prior to the effective date of this act may continue the provision of such services; provided, further, that a related for-profit or non-profit organization providing services to individuals over the age of 22 prior to the effective date of this act, may transfer the provision of such services to the education collaborative to which it is related and the education collaborative may continue the provision of such services after such transfer.

SECTION 5. There shall be a special commission to study the role of education collaboratives. The commission shall consist of 11 members: the house and senate chairs of the joint committee on education, or designees, who shall serve as co-chairs of the commission; the senate minority leader, or designee; the house minority leader, or designee; the secretary of education, or designee; the commissioner of elementary and secondary education, or designee; a representative nominated jointly by the Federation for Children with Special Needs, Inc., Massachusetts Advocates for Children and the Disability Law Center; a representative of Massachusetts Administrators for Special Education; and 3 persons to be appointed by the secretary of education, 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Association of School Superintendents, Inc., 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Association of School Committees, Inc. and 1 of whom shall be selected from a list of 3 persons nominated by the Massachusetts Organization of Educational Collaboratives.

The commission shall examine, report and make recommendations on topics including, but not limited to: (1) whether a statewide network of education collaboratives should be established to implement new programs and provide technical assistance in partnership with the department of elementary and secondary education, and if so, how such network should be organized and funded; (2) whether education collaboratives are appropriate settings for providing programs and services to developmentally disabled adults over the age of 22, and, if so, what measures should be taken to ensure proper accounting of, and funding for, all services provided by education collaboratives and related for-profit and non-profit organizations, as that term is defined in

section 4E of chapter 40 of the General Laws, for individuals not enrolled in or employed by elementary or secondary schools in the commonwealth; (3) how to maximize the efficiency and capacity of existing education collaboratives; (4) the appropriate role and relationship, if any, between education collaboratives and related for-profit and non-profit organizations; (5) appropriate compensation levels and authority of collaborative management employees; (6) the merits of merging or consolidating existing education collaboratives, including the effect on collective bargaining agreements, staff, operational systems, debt obligations, regional school districts and transportation costs and whether districts and students would benefit from the merger of existing education collaboratives; and (7) the provision of non-education related services by education collaboratives to other government entities and the appropriateness and effect of those provisions on the core mission and purpose of the collaborative.

The commission shall consult with and solicit input from various persons and groups, including, but not limited to: the attorney general; the state auditor; the inspector general; the department of developmental services; the division of local services; the executive directors of education collaboratives of varying size and scope in the commonwealth; the chairs of the joint committee on children, families and persons with disabilities; organizations representing individuals with developmental disabilities, including the Arc of Massachusetts and the Association of Developmental Disabilities Providers, Inc.; organizations representing children with disabilities and their parents; and associations representing special education administrators and other educational administrators, school business officers, municipal officials and charter schools.

The first meeting of the commission shall take place within 60 days after the effective date of this act. The commission shall file a report containing its recommendations, including legislation and regulations necessary to carry out its recommendations, with the clerks of the house and senate not later than 12 months following the first meeting of the commission.

SECTION 6. Notwithstanding subsection (f) of section 4E of chapter 40 of the General Laws or any other general or special law to the contrary, education collaboratives that employ registered nurses serving in the function of school nurse on or before February 1, 2012, who are not certified under section 38G of chapter 71, may retain the services of such nurses as school nurses; provided, however, that upon retirement or separation of employment, the board of directors of an education collaborative shall appoint 1 or more registered nurses, subject to certification as a school nurse under section 38G of chapter 71.

SECTION 7. The executive director of any education collaborative which has been issued an audit report with adverse or critical audit results by the state auditor within the 12 months preceding the effective date of this act shall annually present the collaborative's budget and annual report required under section 4E of chapter 40 of the General Laws, to each member school committee and member charter school board in an open meeting at which the executive director responds to questions from said school committees and charter school boards; provided, however, that an education collaborative with more than 10 school districts may make the presentation in regional presentations to not more than 5 member school committees at a time; provided, further, that a school committee or charter school board of trustees may waive its right to such a presentation. The executive director shall make such annual presentation for fiscal years 2013 to 2017, inclusive.

SECTION 8. Section 1 of this act shall take effect 90 days after the effective date of this act

Appendix B. Subcommittee Reports

Efficiency & Capacity Joanne Haley Sullivan & Christine Lynch

Charge #3- How to maximize the efficiency and capacity of existing educational collaboratives?

This subcommittee examined capacity and efficiency of educational collaboratives across Massachusetts. It considered matters relating to the financial, capital and organizational capacity of existing collaboratives and the quality and cost-effectiveness of their services/programs. The “Efficiency & Capacity” subcommittee is largely responsible for helping the Commission address the following statutory charge:

How to maximize the efficiency and capacity of existing education collaboratives.

Issues to Examine: Capacity and efficiency of the current system. What is the capacity of existing collaboratives, both in terms of physical capacity (e.g. buildings and spaces) and functional capacity (i.e. capacity to deliver programs and services effectively and efficiently)?

Background

In the current environment, economic pressures combine with increasing numbers of statewide initiatives to create complex problems for school districts. Many districts do not have the capacity to meet all of those needs on their own and working in isolation may no longer be the most effective way to solve them. Diminished resources both locally and statewide warrant efficiencies through economies of scale.

Capacity to respond to current demands for accountability and educational reform varies greatly across both collaboratives and school districts. Collaboratives have historically had trusting relationships with their school districts and they could be used to promote collective capacity regionally. This role will require broad based capacity either through individual collaboratives with capacity to take it on, or through a network of collaboratives to support the region.

Subcommittee 3 met to discuss how to determine efficiency and effectiveness of current capacity in order to move forward with consideration of expanding and maximizing capacity. The subcommittee considered ways to provide a balance between uniform services across the state and customized implementation for local school districts.

Documents and information reviewed for the discussion included:

- Special Commission on School District Collaboration and Regionalization Report to the Legislature, including “*Indicators of Effectiveness*” survey (2011);
- Massachusetts Collaboratives: Making the Most of Education Dollars by M. Craig Stanley, Ed.D., Pioneer Institute for Public Policy Research (2005);
- MA Organization of Educational Collaboratives (MOEC) annual report and survey (2009);
- MOEC presentation: The Next Generation of Collaboratives in Massachusetts (2013);
- Department of Elementary and Secondary Education (ESE) Educational Collaboratives-Baseline Data survey (September, 2012);
- MOEC focus group (2013);
- Southeast Collaborative Regional Organization survey of program offerings (2009);
- Commission Survey of Massachusetts Superintendents and Charter School leaders (2012); and
- Focus group discussion with collaborative leaders about barriers to expansion beyond existing services, 2012.

Findings:

The subcommittee considered:

What might be the hindrances/roadblocks to maximized efficiency and capacity?

- Perception by stakeholders that collaboratives are singly focused on special education programs and services.
- Some stakeholders may prefer that collaboratives remain focused exclusively on special education.
- Vision of local educational agencies (LEAs) about limitations on appropriate roles for collaboratives.
- Grants - Collaboratives are not always eligible for ESE or other agency grants that would support the mission of providing regionalized services.
- Information flow - Collaboratives are not automatically included when information is distributed to school districts. Often communications go to school superintendents and charter school leaders but not collaborative executive directors.
- Funding - Collaboratives are reliant on local funding and outside contracts and grants, which are limited.
- Capacity - There is not (and should not be) excess capacity of staff within collaboratives. Start up money is needed to start a new project and gain

acceptance. A new program can be sustained with local funds once the viability and worth of the program is demonstrated.

- Massachusetts School Building Authority (MSBA) regulations might limit collaboratives ability to acquire space. Although they are public educational agencies, collaboratives are not able to access state funding to support needed facilities. Collaborative programs are often housed in space in local schools provided (usually for a fee) by member school districts. This allows students with disabilities to be served within a regular education, least restrictive, environment, with non-disabled peers. If those host districts need to renovate or build new facilities, there currently is little or no incentive provided to offset the cost of including space for collaborative classrooms in the facility. Additionally, despite the fact that these programs serve multiple districts, the cost of building the space that is not off-set by MSBA falls to the local communities where the programs are located. As a result, communities are reluctant to include space for collaborative classrooms in their plans for new buildings. This inequitably impacts the quality of the space available for students served through collaboratives.
- Not all districts participate in collaboratives, and the reasons why are unclear.
- Geographic constraints may limit the ability of some districts to access some collaborative services. Natural boundaries seem to have been established to define service areas for communities.

What might be needed to overcome these barriers?

- Promote ways to make LEAs aware that there might be a potential to expand beyond existing programs and services of collaboratives.
- Itemization of core services that should be available to each school district through collaboratives (either provided by their own collaborative or that is made available through another on a regional network basis).
- Survey districts about areas they would like the collaborative to pursue that it has not thus far. Sort data by region. Modify the indicators of effectiveness survey from the *Special Commission on Collaboration and Regionalization Report to the Legislature*.
- Create a standardized evaluation model to demonstrate efficiency and effectiveness of collaboratives.
- Develop incentives—financial or other.

Recommendations:

1. Establish a statewide network of collaboratives

The Commission's focus on collaboratives offers an important opportunity to build a next generation of an effective statewide system and expanded role of collaboratives throughout the state. Collaboratives should have a dual purpose/mission – to provide services and programs to local school districts in response to the individual needs of the region, *and*, to support certain state functions by serving as vehicles to support the implementation of new initiatives and dissemination of information, technical assistance, training, and support to districts. There have been and continue to be a series of state initiatives and areas where collaboratives could play an expanded role, such as the new teacher evaluation system, IT infrastructure, management and support, alternative education services for suspended/expelled students (as required under Chapter 222 of the Acts of 2012), virtual learning, and others. However, the current network of collaboratives does not cover the entire state, and there is inconsistent capacity among collaboratives to engage in these types of activities. While there are a few collaboratives that are currently involved in implementing certain statewide initiatives, these are sporadic throughout the state and do not reflect a statewide approach or system.

There are currently 26 collaboratives in Massachusetts, but they do not serve all areas of the state and they represent a range of capacity – with some providing only a narrow number of services while others provide a broad array of services. Building a more robust and effective statewide system of collaboratives will require some restructuring, but the existing collaborative network should be used to find the essential elements to be successful. (Commissioner Chester testimony).

A Regional Network of collaboratives that is consistent state-wide and incorporates all school districts should be created and adopted. Regional representatives from these collaboratives should form a coordinating council to identify, plan and determine the strategies, resources and capacity necessary to ensure that the school districts in each region have equitable access to a comprehensive set of services. They should meet regularly with the Commissioner and other senior staff at the Department of Elementary and Secondary Education (herein, “the Department” or ESE) to coordinate and communicate planned initiatives back to the region to determine the most efficient and effective implementation strategy.

The Regional Network will provide:

- Direct educational services and programs to students and adults;
- High quality professional development and technical assistance for member districts in teaching and learning for educators in all settings;
- Programs and services designed to enhance school districts' operating efficiency;
- Coordinated statewide support for state and federal education policy initiatives; and

- Advocacy for Collaboratives' role in the statewide system of support and investment in developing network capacity over time.

This Regional Network structure will build on existing trusting relationships between the collaboratives and their member districts. Its design and purpose is assistive and consultative not regulatory and it creates economies of scale that are cost effective. The Network will provide for a balance between uniform and customized regional implementation. It creates efficiencies in implementation which may result in better allocation of resources within districts and increases the opportunity and provides a platform for more effective two way communication between the field and the Department by reducing the number of contact points for departmental service delivery. (Stephen Theall presentation to the Commission).

The governance of collaboratives should remain at the local level and school districts should continue to have the ability to determine which programs and services they want the collaboratives to provide. However, collaboratives organized in regional networks should serve as partners with the Department when it comes to implementing certain statewide initiatives and disseminating information, assistance, and support to districts. (Testimony of Commissioner Chester.)

To address the concern that not all districts are members of collaboratives, or some districts may have multiple memberships, all districts should be required to have an affiliation with a collaborative or a regional network for the purpose of the roll-out of state-wide initiatives. (This recommendation comes from the testimony of Stephen Theall, Executive Director, Massachusetts Organization of Educational Collaboratives (MOEC), and endorsed by Secretary of Education Malone.)

2. Raise awareness of potential capacity of collaboratives and regional networks

Key stakeholders and policy makers in the state should better understand and utilize the capacity of collaboratives. Collaboratives will need proper support and recognition from both the legislature and ESE by promoting educational collaborative services, using them for their own message delivery, and ensuring that they meet agreed upon cost effective and quality standards. (This recommendation comes from the *Special Commission on School District Collaboration and Regionalization Report to the Legislature*; and written testimony of Joan Schuman, Executive Director, Collaborative for Educational Services.)

To accomplish this, several steps should be taken:

- A. Survey collaborative Executive Directors about the existing capacity of the regional network structure to provide core services across the region. The

survey should place emphasis on what services are available in the Regional Network. Examples of services might include:

- Direct educational services and programs for students with disabilities;
- Direct educational services and programs for general education students, including programs for general and vocational programs, virtual learning and gifted and talented services;
- Professional development for collaborative staff and for district-wide staff;
- Technical assistance;
- Implementation support for state and federal policy initiatives; and
- Operational efficiencies, including;
 - Transportation
 - For collaborative students
 - For district wide students
 - Technology
 - Medicaid processing
 - Cooperative Purchasing

Survey questions should include:

- Is this program or service directly provided by your collaborative?
- Is this program or service directly provided by another collaborative in your Regional Network?
- The extent to which the program and/or service is a significant part of the collaborative offerings. For example is professional development offered sporadically by the collaborative or is it an integral and ongoing part of organization.

B. Survey school districts to ascertain their need for additional support, programs or services: *The Special Commission on School District Collaboration and Regionalization Report to the Legislature, 2011.*

<http://www.malegislature.gov/Content/Documents/Committees/J14/Commission-SchoolDistrictRegCollab-FINALREPORT-20110825.pdf>.

provided a Capacity Assessment Tool to assist districts in assessing existing capacities within a school district. The Special Commission defined this tool as “an objective process for performing an initial capacity analysis, the results of which can be used to guide conversations about collaboration and regionalization and inform district-wide strategic planning decisions.” (Page 3 of report) School districts should be encouraged to use this tool to identify programs, services or administrative capacity needs that might benefit from expanded collaboration.

- c. Develop an assessment instrument to demonstrate the cost effectiveness/efficiency of existing collaborative programs and services.
 - Gather consistent information through the collaboratives' annual reports, required by the most recent amendment to Chapter 40, Section 4E.
 - Create a standardized system for data collection.
 - Include category and guidance on the costs by service type.
 - Include performance measures and outcomes.
 - Compile and distribute statewide data and include on ESE's collaborative website.

- d. Once the results of the surveys and the assessment instruments are analyzed, they should be promoted and publicized through the legislature and ESE as well as the Massachusetts Association of School Superintendents (MASS), Massachusetts Association of School Committees (MASC), Massachusetts Association of School Business Officials (MASBO), Massachusetts Organization of Educational Collaboratives (MOEC), Massachusetts Administrators of Special Education (ASE), and parent groups including the Federation for Children with Special Needs. Districts should be encouraged to evaluate the competencies in their collaborative region and to determine ways in which they can access shared services to expand their capacity to meet the needs of the district.

3. Centralize Resources for collaboration

To expand collaboration throughout the Commonwealth, the state must play an active role in disseminating information and promoting opportunities for greater collaboration. Information and resources on educational collaboratives and other cooperative services should be centralized and made available on a single website for easy access. The Educational Collaborative page on the ESE website <http://www.doe.mass.edu/finance/collaboratives/>, created in response to the recommendation of *The Special Commission on School District Collaboration and Regionalization Report to the Legislature*, should be continually updated, include the results of the survey and assessment information noted above, and serve as a central location for information on existing collaborative programs and services as well as additional opportunities for greater collaboration.

4. Increase Incentives and funding sources for Collaboratives

To facilitate inter-district collaboration, the state should provided greater incentives to school districts to participate in educational collaboratives to promote a more efficient use of resources. ESE should design methods to encourage districts to pool resources to provide collaborative programs and should sponsor forums designed to examine and

support use of collaboratives. ESE and the legislature should also continue to support and develop innovative statewide cost-saving initiatives such as the *Massachusetts Special Needs Transportation Pilot Project*. This pilot program provided an incentive for districts to collaborate in providing transportation for special education students and helped to expand the network of transportation collaboratives across the Commonwealth and achieved significant savings for the participating school districts.

The legislature should amend the Chapter 40, Section 4E to allow for the creation of a revolving fund for collaborative research and development, supported as a collaborative budget line item or through collaborative surplus funds and to be used for the start up of local initiatives to increase efficiency. This fund would allow local district initiatives to be funded in the start-up phase to support innovation and provide a funding source for regional efficiencies. Controls on these funds should include notification to member districts that this fund is being established and the amount of a cap on this fund. (This recommendation comes from Commissioner Chester's recommendation about the need for funding for collaboratives to create efficiencies.)

ESE should allow collaboratives to be eligible to receive any state education funding and grants that is not prohibited by state or federal statute. When ESE distributes education funding and grants to LEAs, collaboratives are not routinely included in such funding. The Department has traditionally interpreted local education agencies (which are the entities eligible to receive education funds) to mean school districts, not including educational collaboratives. However, the state has expanded its definition of LEAs to include charter schools (so that charter schools can receive state education funding) but it hasn't expanded this definition to include collaboratives. The Department should expand its definition/interpretation of local education agencies to include collaboratives so that collaboratives can be eligible to receive state funding as well. (This recommendation comes from written testimony of Joan Schuman to the *Special Commission on School District Collaboration and Regionalization Report to the Legislature*, page 56; and testimony of Peter Young, Association of Educational Services Agencies (AESAs).)

5. Increase capacity of collaboratives to support state-wide initiatives

ESE should provide dedicated funding to collaboratives or regions for targeted DESE initiatives through the Collaborative Regional Networks based on student enrollment in member districts. The state should create a structure that allows the state to award special consideration to collaboratives and/or define regions as the only eligible applicants for certain state grants or contracts. To accomplish this, ESE should establish a procurement process for pre-qualified vendor applications targeted exclusively to collaboratives. Examples of possible initiatives that could be supported in this way include Rethinking Equity for English Language Learners (RETELL) or the

Educator Evaluation System. (Testimony of Commissioner Chester; Testimony of Peter Young, AESA; 2012 Superintendent survey results).

6. Provide incentives through MSBA for districts to include and maintain space for collaborative programs if needed

Collaboratives often offer programs and services for students with disabilities in public schools classrooms, which could be considered the least restrictive setting, consistent with law. They pay agreed upon rent to school districts to compensate the districts for the space.

As these school districts attempt to provide more up-to-date facilities for their students and communities, they turn to MSBA to defray the cost. Within these new or renovated facilities, the building of new collaborative space in public schools is partially reimbursed by the state. However, some percentage of the cost ranging from 20 to 69% must be locally funded by the district hosting the classrooms. Individual communities bear this burden, while the students who use collaborative space are from multiple communities. As a result, school districts that would otherwise be inclined to provide collaborative classroom space are often reluctant to spend new local dollars for dedicated space for collaborative classrooms. MSBA should provide incentives to districts to include and maintain space for collaborative programs. (This recommendation comes from the subcommittee's focus group discussion with collaborative leaders and testimony to the Commission from Peter Young, AESA).

7. Increase communication between state educational agencies (ESE and the Department of Early Education and Care (EEC)) and collaboratives

Collaboratives and their leaders are expected to implement mandates and initiatives from ESE and EEC consistent with local districts and charter schools. Additionally, there is funding or other opportunities that could be supported or initiated by collaboratives. Yet, communication to the collaboratives is inconsistent. Often communications from these departments are addressed to superintendents and charter school leaders, omitting collaboratives from the communication. To enhance the communication flow, all information provided by agencies to superintendents and charter school leaders should routinely be addressed and disseminated to collaborative Executive Directors. (This recommendation comes from the subcommittee's focus group discussion with collaborative leaders).

If the Regional Network of collaboratives is created and adopted (as in recommendation 1), the coordinating council should meet regularly with the Commissioner and other senior staff at the Department to coordinate and communicate planned initiatives back to the Regional Network to determine the most efficient and

effective implementation strategy. (This recommendation comes from the testimony of Stephen J. Theall, Executive Director, MOEC and testimony of Peter Young, AESA).

Consolidation
James DiTullio, William Lupini, Terri Medeiros

Background

Chapter 43 of the Acts of 2012 establishes certain charges to the Commission on Education Collaboratives. Among them, the law states that the Commission should investigate and evaluate the

merits of merging or consolidating existing education collaboratives, including the effect on collective bargaining agreements, staff, operational systems, debt obligations, regional school districts and transportation costs and whether districts and students would benefit from the merger of existing education collaboratives....

Consistent with the law, the Commission formed a Consolidation Subcommittee to examine the benefits and challenges associated with consolidating or merging existing collaboratives and to consider (a) issues relating to the impact that such consolidation would have on the current landscape and (b) the factors and conditions that facilitate and hinder the consolidation of collaboratives. The Consolidation Subcommittee sought to examine several issues, including:

- The history of the current landscape and configuration of education collaboratives;
- The merits of consolidation;
- The governance implications of consolidation;
- The lessons learned from school district consolidation/regionalization efforts; and
- The role of collective bargaining agreements in consolidation.

Findings

Over the course of several months, the Commission on Collaboratives, as well as the Consolidation Subcommittee, gathered information and heard testimony on the aforementioned issues. Among the findings:

- Currently, there are 26 education collaboratives operating in Massachusetts: 283 schools districts in Massachusetts belong to at least one education collaborative; 71 districts are members of more than one education collaborative, while 44 districts do not belong to any education collaborative. The greatest concentration of districts not belonging to a collaborative is in Western Massachusetts.
- In FY 2011, approximately 6,000 students with disabilities received direct SPED services through collaboratives and over 3,500 general education students received aspects of their education in collaborative-sponsored programs, particularly through alternative school programs.

- Collaboratives are a type of Educational Service Agency (ESA). An ESA is defined in federal law as “a regional public multi-service agency authorized by state statute to develop, manage, and provide services or programs to local education agencies.” There are currently 553 ESAs operating in 45 states across the United States.
- There are three primary types of ESAs: Type A, Special District Educational Service Agency; Type B, Regionalized ESA/State Educational Agency; and Type C, Cooperative ESA.
 - Type A ESAs are established by State Educational Agencies and local school districts to serve both; support comes from local, regional, and state/federal funding, and a lay board runs the ESA, with a legal structure set by legislation or state regulation. New York and Connecticut have this type of ESA.
 - Type B ESAs are a branch of the state educational agency (SEA). They are established by the SEA and service the SEA. Their legal structure is set by state regulations and governed by professional advisors. Tennessee and Louisiana have this type of ESA.
 - Type C ESAs are formed as collaborative organizations between two or more local school districts. District delegates make up the governing boards, and local districts receive the services. These ESAs are funded by local and state/federal funding, fee-for-service, and private grants. Washington and Massachusetts have this type of ESA.
- Mitchell Chester, Commissioner of the Department of Elementary and Secondary Education, has proposed a significant reorganization of Massachusetts’ collaboratives, moving from a Type C regime to a Type A regime. Specifically, Commissioner Chester has proposed that Massachusetts convert and consolidate education collaboratives to regional education service agencies. Under that model, collaboratives would continue to provide special education and other services desired by the member school committees, but they would also become partners with the Department of Elementary and Secondary Education (ESE) for the implementation of new programs and for the provision of technical assistance and support to districts and schools. Commissioner Chester envisions an expanded role for collaboratives with educator support and professional development; curriculum development and implementation; formative assessments; district and school improvement support; technology training; information management services and data analysis; and alternative education services, including virtual learning programs and programs targeted to at-risk populations. To achieve the goal of creating a system of regional education service agencies similar to Connecticut, Commissioner Chester has proposed “redistricting” the 26 current education collaboratives. He has proposed that MOEC, the existing education collaborative boards, MASS, MASC, and ESE work together to determine where expansion or consolidation would be

needed to provide a reasonable number of regional agencies covering the entire state, as well as reviewing the funding streams required to fully support such a network.

- Matthew Malone, Secretary of Education, envisions a future for education collaboratives where they serve as regional nodes for the District and School Assistance Centers (DSACs), the Readiness Centers, the Workforce Investment Boards (WIBs), etc. Secretary Malone also hopes that education collaboratives can expand the work they are doing in alternative education, particularly with recovery high schools. Secretary Malone, like Commissioner Chester, believes that there would be a benefit if education collaboratives had a more formal relationship with ESE, particularly for rolling out statewide initiatives relating to professional development, STEM, educator evaluation, RETELL, etc. In addition, Secretary Malone advocates that even those districts that are not members of an education collaborative have affiliate status in at least one collaborative in their region, thus ensuring that ESE is working with every school district in the state in its dealings with education collaboratives.
- At a public hearing in December 2012, individuals representing several education collaboratives in Massachusetts testified that they were opposed to forced mergers and the creation of mega-collaboratives. Collaborative executives believe that collaboratives can be a link between ESE and school districts, particularly with respect to professional development. They noted some duplication and overlap between the services provided by education collaboratives and Readiness Centers. Collaborative executives expressed a deep interest in expanding into virtual education.
- MOEC has supported voluntary mergers of education collaboratives, but it has been against a state mandate for mergers. In addition, MOEC supports continuing the role of collaborative boards for governance purposes.
- At the February 2013 meeting of the Commission on Education Collaboratives, the Association of Educational Service Agencies (AESA) and MOEC made formal presentations. AESA argued that there are a few key elements of success for ESAs: (1) being part of a statewide network of ESAs; (2) having a relationship with the state's Department of Education; (3) having elected governance among its members; and (4) having a superintendent advisory group.
- MOEC's Executive Director, Steve Theall, made a presentation suggesting various reforms to the Massachusetts system of education collaboratives. MOEC advocated for a statewide network of education collaboratives to meet the complex challenges facing school districts. MOEC proposed that the system be organized by six regions across Massachusetts: Cape Cod and the South Coast; South Shore; Greater Boston; North Shore; Central Massachusetts; and Western Massachusetts. Under the proposal each region would create and adopt with its member districts a memorandum of understanding that includes common

statewide elements and defines the rules of engagement between member collaboratives, their member districts, and ESE. Each region would have a governing board that includes the collaborative executive directors and an appointee from each collaborative board of directors. Each region would have a single point of contact who would represent the region in the planning and promotion of departmental initiatives and would serve as a liaison to ESE. Non-member collaboratives would be assigned temporarily to a region by ESE during statewide initiatives. Regional representatives would serve on a coordinating council with the MOEC Executive Director that meets regularly with the ESE Commissioner and other senior ESE staff to communicate planned initiatives back to the region and to determine the most efficient and effective implementation strategy. The regional networks will focus on providing high quality professional development and technical assistance, increasing operating efficiency, providing direct educational services and programs, coordinating statewide support for state and federal education policy initiatives, and engaging in advocacy for collaboratives' role in the statewide system.

Recommendations

Were Massachusetts drawing on a blank slate, there would be major benefits to adopting a Type A system of ESAs along the lines of the system that Connecticut has today. Under the Type A system, the ESAs are established by the state educational agency and local school districts to serve both; support comes from local, regional, and state/federal funding, and a lay board runs the ESA, with a legal structure set by legislation or state regulation. Lines of authority and streams of funding are clear and unambiguous.

Nevertheless, Massachusetts is not drawing on a blank slate. For the past 40 years, Massachusetts has operated a Type C system of ESAs, where education collaboratives have formed locally and organically between two or more local school districts, with little to no state involvement. District delegates make up the governing boards of the collaboratives, and local districts receive the services. Under the Massachusetts model, there are many collaboratives often operating in the same region. Some school districts belong to several collaboratives, while other districts belong to none. In fact, one could question whether the current "system" of education collaboratives in Massachusetts is really a **system** at all. Despite the shortcomings of the present system, it has been the only model that most districts in Massachusetts have ever known, and the notion that the state could wipe the slate clean and redistrict the state into a Type A model through a mix of consolidation and dissolution is not a realistic one.

Yet there are options available for policymakers to maximize the present system's benefits and minimize (or eliminate) its weaknesses. It is that approach that the Consolidation Subcommittee recommends this Commission adopt. The following includes some features of that approach.

1. Encourage and incentivize voluntary consolidation and amend state law to allow education collaboratives to consolidate without dissolution.

The state education establishment, through words and legislation, should encourage and incentivize voluntary consolidation. Among the ways we can encourage and incentivize consolidation is to address current state law, which does not allow two collaboratives to merge without one of the collaboratives dissolving itself. We recommend that state law be amended to allow for merger without dissolution.

2. Divide the state into six regions and assign every school district in the state to an affiliation with at least one education collaborative in its region.

The Consolidation Subcommittee recommends that state statute be amended to establish six regions for education collaboratives in Massachusetts, which will align with the regions established for the Readiness Centers: Berkshire; Central Massachusetts; Greater Boston; Northeast; Pioneer Valley; Southeastern Massachusetts.

Just as we seek to encourage voluntary consolidation of education collaboratives, the Consolidation Subcommittee would like to see every district in the state have an affiliation with at least one collaborative in its geographic region. Given that education collaboratives have succeeded for the last 40 years in providing high quality services through economies of scale for their member districts, saving those districts thousands (if not millions) of dollars, it is somewhat strange that 40+ districts in Massachusetts do not belong to an education collaborative. We recognize that it is a purely local decision whether a school district wishes to join an education collaborative and pay the dues required of members, but the Consolidation Subcommittee recommends that every district in the state, at a minimum, be assigned to affiliate status at one education collaborative in its region. Through affiliate status, a non-member district can better see and understand the benefits of membership, which may hopefully encourage greater participation. Moreover, affiliate status would allow those school districts to remain “in the loop” for ESE initiatives that are coordinated through the collaboratives.

3. Amend state law to establish a stronger link between ESE and education collaboratives as the lynchpin for a statewide network of ESAs.

Although Massachusetts may not be able to start from scratch when building a statewide system of education collaboratives, it can – and should – try to improve the current diffuse system. To that end, the Consolidation Subcommittee recommends that we adopt elements of the MOEC proposal. Specifically, we should establish regional hubs in each of the six state regions. Each region will adopt a memorandum of understanding between its member districts (and, to a lesser degree, its affiliates) that includes common statewide elements and defines the rules of engagement between the member collaboratives, their districts, and ESE. Each region will have its own governing board that includes the collaborative executive directors from collaboratives in that region and an appointee from each collaborative board of directors in that region. The chair of each regional governing board will represent the region in planning and

promotion of ESE initiatives and serve as a liaison to ESE. Those regional governing board chairs, along with the MOEC Executive Director, will form a Collaboratives Coordinating Council that will meet regularly with the ESE Commissioner and his senior staff to identify, plan, and determine the strategies, resources, and capacity necessary to ensure that school districts in each region and across the state have equitable access to a comprehensive set of services and to discuss implementation of ESE's statewide initiatives.

The Consolidation Subcommittee also recommends that ESE establish a new Office of Collaborative Relations, overseen by an Associate Commissioner. That office would oversee the work of the Collaboratives Coordinating Council, recruit candidates to serve as the Commissioner's appointees to each collaborative board of directors and work with those directors once they are appointed, and advise the Commissioner and Board of Elementary and Secondary Education on all matters concerning education collaboratives in Massachusetts. We recommend that the Secretary of Education seek – and the Legislature appropriate – sufficient funds for the operation of that office.

4. Education collaboratives must enter into memoranda of understanding with regional DSACs, Readiness Centers, and Workforce Investment Boards to coordinate services and eliminate or avoid duplication of efforts.

At present, education collaboratives sometimes work in collaboration with other regional entities such as DSACs, Readiness Centers, or Workforce Investment Boards (WIBs) to provide necessary services. However, sometimes the collaboratives provide the same services that DSACs, Readiness Centers, and Workforce Investment Boards (WIBs) are already providing in the same region – or worse, education collaboratives operate almost in isolation from these other vital providers in their region. Each regional collaborative board must draft and sign a memorandum of understanding with the Readiness Center, DSAC, and WIB in its region to ensure better coordination of services; these MOUs would include explicit descriptions of the differentiated roles and responsibilities of the different entities, the specific types of services provided, and descriptions of governance or other strategies to increase effective collaboration among these regional entities.

5. Encourage and incentivize collaboratives to establish new models of virtual education and alternative education.

Education collaboratives offer a model for providing services through economies of scale that make them an enticing option for virtual/online education and alternative education. Massachusetts education officials must strongly encourage and incentivize education collaboratives to partner with local school districts to provide high-quality virtual/online education options, as well modes of alternative education such as recovery high schools.

Conclusion

Despite recent controversies, education collaboratives continue to greatly benefit their member districts and the children and families that they serve. Nevertheless, even the highest functioning organizations need regular fine-tuning to adapt to changing times. The work of the Department of Elementary and Secondary Education has expanded dramatically over the last 20 years, and education collaboratives can be a key partner with the Department in the implementation of statewide education initiatives. Making certain that every school district is, at a minimum, affiliated with a regional education collaborative and that such collaboratives are part of a seamless partnership with ESE will both go a long way to ensuring that education collaboratives match their successes of the last 40 years over the next 40 years.

Other Services & Programs
William Fonseca, Carla Jentz, Richard Robison

OBJECTIVES:

The role of this subcommittee is to explore the core mission, role, and services provided by existing collaboratives across Massachusetts. It will consider the scope and range of programs and services currently offered by collaboratives, and assess whether or not there are other services that collaboratives could and/or should provide to member school districts. The subcommittee will also consider whether or not collaboratives should be authorized to provide services to other government entities. The “Other Services & Programs” subcommittee will also be responsible for helping the Commission address the following statutory charges:

METHOD: This subcommittee was generally asked to examine the core mission of the Collaborative programs and charged with two key tasks (listed below) which include a review of whether Collaboratives are appropriate settings for providing programs to individuals with developmental disabilities over the age of 22 and whether Collaborative programs be permitted to provide non-education related services to other government entities.

In order to inform our perspectives, we fully participated in the presentations of the Commission on Collaboratives, the Public Hearing held by the Commission, reviewed survey results of both the MASS Superintendent’s Association as well as that of ASE, The Association of Special Education Administrators, and we contacted and interviewed 3 Collaborative Executive Directors, the Executive Director for the MOEC, and The Massachusetts Organization of Educational Collaboratives to gain additional information including clarification on recommendations submitted to the Commission.

We understand that Collaboratives, at their core mission, are to be educational agencies, funded with public education dollars, with a primary purpose to deliver special educational programs and services to support local educational agencies (LEA).

Further, Collaborative programs deliver quality special educational programs and support high student achievement for “difficult to serve” students due to disabilities or those at risk. Academic achievement needs to be at the core of the Collaboratives’ outcomes and function in fulfilling the mandates of IDEA and Chapter 766 and in keeping with compliance for the students they serve.

CHARGES:

Charge #2: “...Whether education collaboratives are appropriate settings for providing programs and services to developmentally disabled adults over the age of 22, and, if so, what measures should be taken to ensure proper accounting of, and funding for, all services provided by education collaboratives and related for-profit and non-profit

organizations, as that term is defined in section 4E of chapter 40 of the General Laws, for individuals not enrolled in or employed by elementary or secondary schools in the commonwealth...”

Key Question: Should collaboratives be permitted to serve adult populations, and if so, what accountability measures should be established for such services?

Issues to Explore:

- Collaboratives providing adult services through contracts with DDS are: the Shore Collaborative, the South Shore Collaborative, the Greater Lawrence Educational Collaborative, and the Southeastern Massachusetts Educational Collaborative. What types of services/programs are these collaboratives providing, and what oversight mechanisms are in place to ensure accountability? How are they governed and funded?

Relevant Individuals/groups:

- Department of Developmental Services
- Joint Committee on Children, Families and Persons with Disabilities
- Organizations representing individuals with developmental disabilities, including:
- The Arc of Massachusetts; and
- The Association of Developmental Disabilities Providers, Inc.
- Organizations representing children with disabilities and their parents
- State Auditor
- Associations representing special education administrators and other educational administrators, school business officers, municipal officials **including parent advocates**

SUBCOMMITTEE FINDINGS:

The Collaboratives core mission is educationally focused. Moving into adult long term supports may exceed the original intended mission of these organizations. (Interview with Collaborative Director).

Collaboratives who provide services for adults with Developmental/Intellectual Disabilities (ie., Post-22) do so as contractors of the MA Dept of Developmental Services (DDS). As such, they are subject to the rules and regulations of DDS and accountable directly to DDS. (Testimony of Elin Howe, DDS Commissioner; Public Hearing)

The Collaboratives that are providing services to the adult population are primarily providing day/employment supports to those who have transitioned (beyond age 22),

many of whom come from other Collaborative programs in which they were enrolled. The age of those served is between 22 – 66 years old. (Public Hearing)

These services are funded by DDS and the governance/accountability is through the Collaborative Boards of Directors to the DDS. Collaborative Boards of Directors consist exclusively of educational personnel –generally Superintendents of Schools and/or School Committee Members. (Public Hearing and DDS Commissioner)

- Current DDS provider system – How does the current DDS provider system work? What is the capacity of the current system? Where are there overlaps and/or gaps in services?

Transition services from school-to-adult services seem to be one area where identified gaps exist in the current overall system. (Public Hearing)

The DDS Commissioner testified that the current DDS service system meets their agencies needs and capacity. They have a broad statewide system of providers of services for adults with IDD. The DDS is not interested at the present time in expanding their vendor network due to the costs associated with expansion. Commissioner Howe further stated she has no objection to “grandfathering” the current Collaboratives, but did not think it wise to add new ones. (Testimony of Commissioner Howe)

- Transition process –How does the current “Turning 22” system work? What changes and impact does the loss of entitlement and transition process have on individuals with disabilities and their families?

The current T-22 system is implemented through local schools and collaboratives under IDEA and MA c.688. Loss of entitlement services is often a crisis for families as adult services are subject to annual appropriation. The current experience of many families is a disruption in services, though schools are improving their transition services at present due to changes in the law and greater public awareness of the issue. (Public Hearing)

- Other state agencies involved in “Turning 22” services – e.g. the Mass Rehabilitation Commission

Other EOHHS agencies are involved in T-22 services for those students who are c.688 eligible. This is simply a referral process that includes all appropriate human service agencies which is monitored by EOHHS. (DDS Commissioner)

- What are the benefits of collaboratives providing services to adult populations (as opposed to a private provider)? What are some challenges or concerns?

Collaboratives who provide adult services feel they are better situated to offer high quality services with minimal disruption to the individual and family involved. (Interview with Collaborative Director/Public Hearing)

Challenges exist related to governance. One suggestion was to appoint a Collaborative board member to represent the DD population being served. Other concerns include

whether the mission of the Collaboratives as educational agencies (pre K-12) precludes serving an older population.

Charge#7: “...The provision of non-education related services by education collaboratives to other government entities and the appropriateness and effect of those provisions on the core mission and purpose of the collaborative...”

Key Question: Should collaboratives be permitted to provide non-education related services to other government entities?

Issues to Explore:

- Definition of “non-education related services”
- Range of non-education related services that are currently being provided by collaboratives to other government entities (e.g. bulk purchasing, IT, etc.) – What services do collaboratives currently provide, and to whom?
- Other regional entities currently providing non-education related services to cities and towns

Relevant Individuals/groups:

- Division of Local Services
- Executive directors of education collaboratives of varying size and scope

FINDINGS/OBSERVATIONS

The Commission heard that there are a range of services provided by Educational Service Agencies (ESA’s) in other states which was quite broad and varied as described by presenter/expert testimony to the Commission. The MA Supt. Survey indicated the most frequently provided services included special education student programs, Professional Development to schools, Related services for Sped and transportation. The ASE survey indicated three priority areas for (future) Collaborative supports to LEAs-Education Programs for low incidence and at risk students, technology training and educator support and professional development (the three areas focused on special education). The ASE survey also identified (three priority needs) the Collaboratives currently provide to LEAs – special education programming, alternative education programs and student transportation. Some Collaboratives have embarked on bulk purchasing, Medicaid billing, transportation and other administrative services.

OVERALL SUMMARY:

- The Core Mission of the Collaboratives includes almost universally the provision of student services for special education that are found on the “Continuum of Services” required under IDEA/LRE, particularly for low incidence, at risk populations of students. Source: (Supt. survey – ASE survey)
- Ensure future organization of education collaboratives comply in their provision of services with IDEA/ LRE “ continuum of services” mandate
- Alternative Education Programs
- Professional Development and technology training
- Student Transportation
- Coaching and Consultation Services

Some Collaborative Directors and Special Education Administrators are concerned that expansion of services to adult populations and/or other municipal services will create “mission drift” into unfamiliar areas which can dilute the effectiveness of the existing quality and effectiveness of the Collaborative. (Director Interviews and ASE survey)

Subcommittee Perspectives:

1. Collaboratives must be partners with local schools to ensure the educational achievement of all students that they serve. In order to do so, their programs need to be strengthened and be more integrated into the work of their member schools. Therefore, we suggest the educational capacity of the Collaboratives, as partners to schools, needs to be clarified and improved.
2. The primary mission of Collaboratives is to provide educational programs and services. Some, but only a minority, have the capacity to provide services that expand beyond their core mission. For example, only 4 provide services to the adult DD population, and appx. 20% provide non-education related services. Based upon interviews with several Collaborative directors and the information provided to the Commission, we suggest that the essential mission and service delivery of the collaborative programs be maintained and governed at a local level.
3. For those collaboratives who desire to serve as an Educational Service Agency (ESA) in partnership with the DESE, we suggest that an RFP process be designed by DESE to identify and award Regional ESA status to one collaborative per region in the state (6) six in all including financial incentives and/or resources to fulfill the partnership model.
4. While we do not find that all collaboratives expand their mission to include the provision of DDS adult services beyond age 22, we suggest that those who wish to become Adult Services providers through DDS be allowed to develop the necessary capacity and seek approval directly from DDS as needed. Current providers should be grandfathered in order to remain a provider of services.

5. While we do not find all collaboratives expand their mission to include bulk purchasing of municipal services, we suggest that those who wish to and can demonstrate the capacity to become regional ESA organizations, do so through a competitive relationship with DESE to achieve that status.
6. Collaboratives are a valuable resource for schools and school districts whose strength is derived through their local connections and governance. We do not consider mandatory regionalization, but rather suggest and encourage voluntary associations into cooperative associations with existing structures to encourage efficiencies while ensuring a full continuum of services availability to all students with disabilities served by a Collaborative, ie., services for low incidence populations (visual).

Appendix C. Public Testimony

INDEX OF TESTIMONY AT THE PUBLIC HEARING

Name	<i>Affiliation</i>	Date Received
Jacquelyn Clark	<i>Shore Educational Collaborative</i>	12-19-12
Stephen Theall	<i>Massachusetts Organization of Educational Collaboratives (MOEC)</i>	12-19-12
Theresa Craig	<i>READS Collaborative</i>	12-19-12
Catherine S. Cooper	<i>Southeastern Massachusetts Educational Collaborative</i>	12-19-12

INDEX OF TESTIMONY RECEIVED AFTER THE PUBLIC HEARING

Name	<i>Affiliation</i>	Date Received
Donald Nielsen	<i>Southeastern Massachusetts Educational Collaborative</i>	12-27-12
Ann Morgan	<i>CAPS Collaborative & FLLAC Collaborative</i>	1-2-13
Joan E. Schuman	<i>Collaborative for Educational Services</i>	1-3-13
Nance P. Bellizzi	<i>Acushnet Public Schools</i>	1-16-13
Leo V. Sarkissian	<i>The Arc of Massachusetts</i>	1-18-13
Janine Solomon & Julia Landau	<i>Disability Law Center, Inc. & Massachusetts Advocates for Children</i>	1-22-13
Representative Denise Garlick	<i>House of Representatives</i>	1-22-13
Jill Greene	<i>Assabet Valley Collaborative</i>	1-22-13

Jacquelyn Clark
Shore Educational Collaborative



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Testimony to the Commission on Education Collaboratives
Submitted by: Jacquelyn Clark, Executive Director Shore Educational Collaborative
On Behalf of: The Greater Boston Region Collaboratives
December 19, 2012

Senator Chang Diaz, Representative Peisch and members of the Commission on Educational Collaboratives:

My name is Jacquelyn Clark and I am the Executive Director of Shore Educational Collaborative, based in Chelsea. I am here today representing the Greater Boston Region Collaboratives consisting of ACCEPT Collaborative, CASE Collaborative, EDCO Collaborative, LABBB, Shore and TEC. The Executive Directors of the six collaboratives meet monthly. Together we represent 54 cities and towns, from Boston which is an adjunct member of Shore, and obviously the largest school district in our region to Millis which is a member of ACCEPT and one of the smallest districts. Our members are diverse: Chelsea, Belmont, Framingham, Lincoln Sudbury, Malden, Lexington, and Dedham, to name a few.

In 2008, years before the justifiable scrutiny of educational collaboratives, MOEC organized itself into five regional groups. This "uber-collaboration" on our part, arose from our own recognition that we each offer varied services, have unique expertise, and strong local connections. As a region, we could expand capacity, share best practices and trends, and avoid spending sparse public money on duplicative service development. It is a case study for the efficient, innovative, and high quality results that emerge when the right balance of competition and collaboration is achieved.

Each of us in the Greater Boston Region operates special education services, largely independent from one another. The programs that we develop and continually reshape are responsive to the needs of our local districts. Understanding urban, suburban, socioeconomic, cultural, and ethnic factors is not acquired as much as it is woven into our fabric; we are an amalgamation of our districts. Special Education Administrators are regularly in and out of our programs for team meetings, just as our Administrators work closely with school principals. Families visit our neighborhood classrooms for intake meetings and students who need specialized services are placed with limited waiting time and optimal continuity. Chapter 43 includes the charge of studying the impacts on students and their families should mergers be considered. There is no benefit to students with disabilities and their families to travel further away from their home communities and wait longer for services to which they are entitled. There is no benefit to school districts and taxpayers when tuition costs are driven up by the costs of a merged "mega-collaborative" that will have a monopoly where consumer choice and provider competition now ensure innovation and cost effectiveness.

Among our six collaboratives, employees are unionized in three and are not in three others. Countless leases and mortgages for schools and professional development centers, single classrooms, administrative offices, large adult services programs, and titles for vehicles are held. Who bears the costs of terminating, consolidating, and renegotiating these contracts, assets, and

Serving the communities of Cambridge, Chelsea, Everett, Malden, Medford, Revere, Saugus, Somerville, Winthrop, and Northeast Metropolitan Regional Technical School District

debt? The bureaucracy born of such a large organization would drive up costs and slow down responsiveness.

As a group, we provide: special education programs, professional development, adult services, general education, collaborative transportation services, Medicaid billing, cooperative purchasing, on-line education, technology assessments and services, assistance with grant writing, transition services, internship and vocational experiences. Unlike the importance of local control and service delivery for our students, these specialty areas lend themselves to one or two organizations, not six, investing the human resources and start-up capital to develop these services and offer them throughout the region, in a standard and efficient manner.

In FY10 for example, Shore piloted the forerunner to the now statewide DSAC model in its member districts. At the time it was called SIAC, School Improvement Assistance Center. One initiative which interested the Shore superintendents was cooperative purchasing. I know that TEC has a well-developed local, state and national cooperative purchasing program and invited the Executive Director, Nancy Sullivan, to a meeting to inform and offer these services to the Shore districts. Professional development and on-line learning are two other examples where investments made by half of the collaboratives can be shared, not replicated, across the region. The GBRC group, like our four other MOEC regional counterparts, believes that a statewide network of collaboratives exists and is sufficient in its capacity and efficiency to be beneficial across the state.

A third, related question is the ability of collaboratives to partner with the department to implement new programs and provide technical assistance. In our region, we are certain that we currently possess the structure and capacity to meet this need and stand ready to receive an invitation to partner with DESE. Shore piloted a successful program used as the model for DSACs but no collaboratives were invited to participate in the full-scale project. Similarly, private agencies are endorsed by the Department to lead professional development for the new teacher evaluation system, common core, or English language learning. These agencies, in turn, contact us requesting the use of our space and district connections to assist in convening school teams and leaders. Collaboratives have not failed to deliver; we simply have not been given the opportunity to demonstrate our value. Operational logistics, for example, a single entry point for each region, via a Greater Boston email address and phone number, and standard, cost-based rate ranges can easily be put into place so that a request for program implementation goes out from the DESE to five regional groups, state-wide. We will, capably, take it from there.

As to the appropriateness of collaboratives providing adult services and other non-education related services, we submit that diversifying funding sources, developing broad expertise and serving our core constituents: individuals with disabilities and school districts/communities reflect smart business practices that are consistent with our missions. In the Greater Boston Region, Shore and EDCO began providing adult services in the 1970's when significantly disabled children living in institutional settings "aged out" of the education system but still needed respectful, lifelong services. Issues raised regarding contracting, oversight and accountability have been addressed for decades by state agencies such as the Department of Developmental Disabilities (DDS) and the Division of Long Term Care. For example:

- Since 1980, Shore retains the services of independent auditors to conduct a full, annual risk assessment and financial audit.
- Shore files Uniform Financial Records (UFR's) with the Operational Services Division.
- Shore is nationally accredited by the Commission of Rehabilitation Facilities (CARF) for its Community Services: Community Integration Programs and for its Governance Standards.
- Shore is licensed, through an on-site quality assurance review and survey process, by the DDS.
- Shore follows all rules and requirements with respect to M.G.L., c. 30b, Public Procurement. The Director of Finance is certified by Massachusetts as a public procurement officer.

Contracts and budgets for every division and program within Shore are assigned their own separate and independent cost centers. However, the shared overhead of diverse services results in a strong infrastructure that, again, benefits all of our stakeholders. While non-profit providers are not eligible to participate in the Massachusetts State Retirement System (MSRS), 25% of DDS annual revenue is spent in state-operated community and facility based programs. These direct care employees, like ours, are enrolled in the MSRB. About twenty of the 102 employees in the Adult Division at Shore have worked for us ten years or longer and are vested in the retirement system. At retirement age, direct service workers may retire with average salaries in the \$30,000 to \$40,000 range. These few potential retirees, at marginal salaries after a lifetime of work, cannot, in good faith, be represented as fraudulent or burdensome to the public system. As Districts struggle to assist typical learners in making the successful transition from school to career, to college, and to adulthood, there is no reason to disrupt a well grounded system of continuity that works for our disabled students and adults.

EDCO holds contracts to provide educational services to children of migrant workers. TEC has developed vast expertise in the area of cooperative purchasing. ACCEPT Collaborative and Shore provide Medicaid billing services. CASE, ACCEPT, LABB, and EDCO provide transportation services in varying capacities. None of these were likely envisioned when our collaboratives were formed. However, public funding is so limited and margins so tight, that broadening our scope of services and sources of income has been instrumental in our success. Rather than legislating or prescribing service limits, it should be within the scope of a broad-minded and skilled Board of Directors, to judiciously evaluate each business and service opportunity and make cost/benefit decisions in the best interests of the Collaborative.

On behalf of the Greater Boston regional group, I am appreciative of this opportunity to convey our views and inform you of what we believe to be our strengths and potential. While we accept that transparency and accountability are the consequences for the actions of one organization, using this as an opportunity to profoundly change our industry, seems an unnecessary and excessive price to pay.

Stephen Theall
Massachusetts Organization of Educational Collaboratives

Massachusetts Organization of Educational Collaboratives



December 19, 2012

Senator Chang Diaz, Representative Peisch and members of the Commission on Educational Collaboratives:

I am Stephen Theall, Executive Director of the Massachusetts Organization of Educational Collaboratives. I appreciate the opportunity to speak briefly with you this morning. I will also, due to the invitation of the co-chairs, have the opportunity to speak with you in greater length and detail at your Commission meeting at the end of February. At that time I will share with you in detail our vision as to the recommendations the Commission should consider regarding items #1 and #3 of your charges in regard to the establishment of a statewide network of educational collaboratives and the maximization of the efficiency and capacity of our existing educational collaboratives.

Today, my remarks will focus on the remaining five charges under consideration.

First, we believe and have demonstrated over the years that educational collaboratives are, and should remain, as appropriate setting for the provision of programs and services for disabled adults. The clients in our programs tend to be individuals, and their families, with whom we have developed a strong, trusting relationship due to our connection with them during their kindergarten to age 22 programs. Such trust and continuation of services is of great value and assistance to them as they age out at age 22 and require adult services. To not be able to do so, in our judgment, is not in the public interest, nor to the benefit of the disabled adults.

Second, we do believe, in certain carefully monitored and transparent relationships, that related not-for-profit entities should be permitted. Chapter 43 and the soon to be adopted regulations ensure the appropriateness of these relationships, which tend to be created to permit fundraising for collaborative programs and services, or as a holding entity for real estate property.

Third, we believe that the current compensation granted to the executive directors of educational collaboratives is reasonable, regionally based, and determined and approved, as is appropriate, by the collaborative Boards of Directors.

Fourth, the merits of merging existing collaboratives, in our opinion, are best left to the judgment of the individual collaborative board(s). What we do recommend is that the

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Commission support legislation and/or regulation that would enable mergers to occur. It is our understanding that current statute and regulations permit only the dissolution of a collaborative and not its merger with another collaborative. Such legislation and/or regulation would provide an efficient and appropriate method for such action if it were determined to be appropriate.

Fifth, we believe the board of each individual collaborative is best positioned to set the priorities, goals and direction of the collaborative and should not be restricted in the range of services it wishes and deems appropriate to provide.

Again, I want to thank you for this opportunity and look forward to continuing this discussion in February.

Theresa Craig
READS Collaborative

December 19, 2012

Good morning members of the Commission on Education Collaboratives,

Thank you for the opportunity to testify before you today. My name is Theresa Craig.

It has been my privilege over the past year and a half to serve as the Executive Director of READS Collaborative and by association to become a member of the Massachusetts Organization of Educational Collaboratives (otherwise known as MOEC). Since leaving a position as an administrator in the public schools I have learned a great deal about educational collaboratives and their operation. As the commission contemplates its first and third legislative charges regarding the establishment of a statewide network of collaboratives that would work in partnership with the DESE and maximizing the effectiveness and capacity of existing collaboratives I would ask that you consider some of what I would like to share with you this morning about what I have discovered about collaboratives.

Firstly, collaboratives are nimble organizations. The ability of the collaborative to respond to local concerns that are sometimes urgent matters but are often long term needs is exceptional. The Boards of educational collaboratives, whether comprised of superintendents, school committee members or a mixture of both, are keenly aware of the local problems that are pressing on the member districts. The collaboration of the members of the Board with the executive director results in expedient actions to resolve issues. I would like to provide just a few examples of recent activity in the southeast. At a meeting of the Southeast

Collaborative Regional Organization, otherwise known as SCRO, the superintendents and collaborative directors of the region discussed at length the possible role of SCRO in helping districts to prepare for the implementation of the requirements of new discipline legislation. Within an hour's time, the group had determined a list of key elements that it deemed necessary to address. These elements will be discussed and developed into a plan of action at the next meeting of the operating committee. SCRO has also jointly applied for a Regional, Collaborative and Cooperative Services Grant that if awarded will connect the entire southeast region for professional development offerings and expand the capacity of both collaboratives and districts to address the many initiatives that are part of current educational reform as well as specific local professional development.

Secondly, the individual administrators and educators in the collaborative organizations are intensely focused on the growth of the children and young adults served. Educators, administrators, therapists and paraprofessionals in collaboratives have highly specialized skills that provide an environment for growth and learning for students who have not made effective progress in the public schools. The successes of these children are measured in the quality of life for students and families; the development of social peer groups; improved attendance in school; growth on measures of learning; ability to participate in integrated classroom settings; returning to a public school setting; and ultimately graduation and successful employment or higher education opportunities. Examples of the specialized services that demonstrate the effectiveness of collaboratives in serving specialized student populations can be found in the creation of Recovery High School that is a program run by

North River Collaborative in partnership with Brockton Public Schools to provide services for students who are returning to formal education after a period of sobriety; the expansion of the Deaf and Hard-of-Hearing program in my own collaborative in response to a need for auditory-verbal therapeutic intervention for several toddlers entering the public schools of members; the expansion of Assistive Technology Assessments and resources in response to an increased need in the region; Applied Behavioral Analysis interventionists and support personnel to support districts; alternative education programs that continually adapt to the changing populations of students that require out of district placements in order to be successful learners and a host of other services provided by the collaboratives in the state.

Lastly I would like to address the cost effectiveness of this nimbleness and expertise. Both member districts and non-member districts recognize the cost effectiveness of the area collaboratives as shown by enrollment. As I grow more familiar with the role of collaboratives in the local realm as well as within the state venue it is very satisfying to recognize how effectively, efficiently and conscientiously collaboratives are working to respond to local issues in a manner that has the most impact on the children we serve. Collaborative programs work diligently to return students to districts, to maximize integration opportunities, to develop capacity for new services as needed, to be responsive to the professional development that would be of benefit to the region and to create collaboration opportunities that are suited to the region.

Collaboratives have the capacity and flexibility to respond to professional development needs of both the districts and the

state as evidenced by sessions that are already occurring in collaboratives throughout the state around educator evaluation and the new frameworks incorporating the common core. With some minor adjustments to lines of communication and the designation of contact people or liaisons within each region of the state I believe that collaboratives can continue their autonomy and ability to respond to local needs while also providing a much needed link to the DESE for coordinating and delivering professional development related to state initiatives.

I am hopeful that as the Commission considers the future of education collaboratives you will be mindful of the effectiveness of the services already provided within the current structures and assure that the future of collaboratives includes the ability to respond efficiently to the needs of local districts and the needs of the children we serve as well as any new role that may be a partnership with the DESE. I thank you very much for your work on these matters over the past 8 months and I appreciate the time to provide testimony to you this morning.

Catherine S. Cooper
Southeastern Massachusetts Educational Collaborative



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Representative Alice Hanlon Peisch
Chairperson
MA Commission on Educational Collaboratives
State House Room 473G
Boston, MA 02133

January 22, 2013

Dear Representative Peisch and Commission Members:

Thank you for the opportunity to testify last month regarding the Collaboratives' provision of services to individuals over the age of twenty-two. I am hopeful that I was able to convey the appropriateness of this type of service provision by Collaboratives and to clarify some of the questions that Commission members may have had regarding this issue.

I would like to further address the suggestion that Collaborative Boards be required to contain an additional member specifically assigned to oversee the adult service programs. While I am not opposed to that suggestion in theory, I am concerned that Collaborative Boards will be mandated to seek out additional members when the number of members is already increasing by virtue of the mandated DESE appointments to each Board. At some point, Board membership becomes unwieldy when it grows too large. For those of us who have school committee Boards, we already have a diverse group with expertise acquired from many different experiences and qualifications represented in our Board membership.

In addition, the suggestion that Collaborative Boards do not represent all of the programs that the Collaboratives offer is without merit. Our Boards are dedicated to our mission, including our continuum of services for our students after their twenty second birthdays, and give as much consideration to the issues presented to them regarding the adult service programs as they do to every one of our school aged programs.

The suggestion for additional Board appointments is also based on the presumption that our adult service parents do not have a voice or the opportunities to present their opinions on the services that are offered to their adult children. This is also without merit or evidence. First, our Board meetings are public meetings, publicly posted and publicized, therefore parents have the opportunity to attend and voice their opinions at any time. Second, we have a parent advisory group and a human rights group that are specific to our adult service programs, where parents are encouraged to attend and discuss any topic they wish regarding our adult programs. Parents of adult consumers are involved in our strategic planning process. We have consumer satisfaction surveys that present an additional opportunity for parents and consumers to voice their opinions and/or concerns regarding any aspect of their service provision, in addition to an open door policy and many events and functions during the year when

Student Services – 12 Welby Road, New Bedford, MA 02745 • Phone: 508-998-5599 • Fax: 508-998-5959
Transitional Services – 4238 Acushnet Avenue, New Bedford, MA 02745 • Phone: 508-998-5444 • Fax: 508-998-2142
SAIL Program – 693 Purchase Street, New Bedford, MA 02740 • Phone: 508-991-5477 • Fax: 508-991-5249
Adult Day Health Program – 12 Welby Road, New Bedford, MA 02745 • Phone: 508-858-5127 • Fax: 508-858-5129

parents have access to the program administration to discuss any issue they wish. Parents and families also participate in the Individual Service Planning meetings for their sons and daughters at which time any concerns or issues may be addressed with both program and DDS supervisors. Lastly, as I mentioned during my verbal testimony, the adult service world, particularly that administered by DDS, is governed by the premise of consumer and family choice. Consumers and families are made aware and frequently reminded that they are free to seek out services from any qualified agency in their geographic region. They are not tied in any way to the Collaborative for services. If our families did not feel that our Board had their adult childrens' best interests in mind, or that we were providing the very best services possible for their sons and daughters, they would not continue to use their funding dollars to receive services through the Collaborative, they would simply change service providers. However, as the Commission membership is aware, our families are overwhelmingly choosing to stay with the Collaborative as their adult service provider when their students turn twenty-two, which is clear evidence that the Collaborative Boards are making decisions in the best interests of all whom they serve.

To require the Collaboratives to seek out additional members to our Boards to address a problem that is presumed but does not, in fact, exist, would create a management issue, rather than solve a falsely perceived one. The State does not mandate the expertise of Board membership of the private human service providers with which it contracts. I am hopeful that the Commission will not include additional mandated Collaborative Board representation in its recommendations on this topic.

Sincerely,

A handwritten signature in blue ink that reads "Catherine S. Cooper". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Catherine S. Cooper, M.Ed., JD
Executive Director
SMEC

Donald Nielsen
Southeastern Massachusetts Education Collaborative

To: Commission on Educational Collaboratives

From: Donald Nielsen, parent of an adult child receiving services from the Southeastern Massachusetts Educational Collaborative (SMEC)

I would like to thank this Committee for the opportunity to speak on behalf of my daughter Jillian Nielsen, who is a 25-year-old with special needs, who receives services from the Southeastern Massachusetts Educational Collaborative (SMEC). She attends daily their Adult Day Health program, or ADH. She has been receiving services from SMEC for several years. The staff all know her. They know her issues. It was comforting for my wife and I to know that when Jillian turned 22, and the state's mandated educational programming would be coming to an end, that SMEC now offered an adult program that we could consider.

It is my understanding however, that one of the issues before this Committee is to determine if adult programming is something that the Educational Collaboratives should be allowed to do. My question to you is, why not? Who knows my child better? Who understands her health issues more clearly? Who knows better her cognitive strengths and weaknesses? Who is best prepared to create and implement an ongoing program tailored to my daughter's individual needs? The people at SMEC have been working with her for over a decade. Who is more suited then, to transition her into adult services? Educational needs do not magically stop at age 22. For children with special needs it is often a lifelong journey.

As parents, we always want what's best for our child. We are fortunate that in the Greater New Bedford area there are many private options available. When Jillian turned 22, we met with Jillian's DMR,(now DDS), case worker and some of the area providers. As I said before, it was comforting for us to see that SMEC's ADH program was one of our choices. But my wife and I wanted to consider every option. In the end, we came up with a hybrid mix of services to be provided by a private vendor named Community Connections and SMEC . Community Connections was an easy choice for us, because they are literally right down the road, less that a mile from our home. We wanted to stay involved with SMEC because it was through their SAIL program that we were able to find a part-time job for Jillian. The employment piece that SMEC offered was extremely important to us. I can't begin to tell you how important it is for my daughter's self-esteem, simply to bring home a pay check every week.

We continued with this mix of services for over a year. In the end though, we decided to return to SMEC for all of Jillian's programming. It was not that she had a bad experience at Community Connections. In fact she made many great friends there. But their size and staffing left us feeling that sometimes Jillian was getting lost in the shuffle. At SMEC, we knew who we were dealing with. Staff at SMEC's ADH program have a better understanding and familiarity with Jillian's needs. They know her personality. They know her medical issues. There is quite simply, more of a family atmosphere at their program. This doesn't happen by accident. The more senior staff at SMEC have watched Jillian grow up along with us. The years of hammering out suitable IEP's have paid a dividend that private vendors cannot compete with. No one knows my daughter better, so it only make sense that they continue to be a part of her adult programming.

At this point, I would like to tell you a little bit about my daughter, Jillian. Her special needs are rather unique and definitely challenging to any vendor who would provide services. She was born with a brain abnormality that not only made it difficult for her to keep up cognitively with her peers, but also caused seizures. On average, she has 2 to 3 seizures every day. They vary in length and severity, but definitely contribute to her learning disabilities. The unique part about these seizures is that they are caused by any kind of a startle. Anything that takes her by surprise, or startles her in any way will cause a seizure. They can happen at any time or in any place, without warning and are very sudden. The startle could be from a loud noise, but it doesn't have to be. If she eats hot food, or a bird flies by or she is simply caught off guard by someone entering the room unexpectedly, she has a seizure. This rare form of epilepsy is certainly a challenge to us at home. We live our lives constantly prompting Jillian to make her aware of her surroundings and her environment so that she won't be startled by something we do. We tell her, "Jill we're closing the door" or "jill we're putting the dishes away" or "jill there is a dog up ahead". These constant promptings and verbal warnings are second nature to us at home, but you can imagine how challenging it is for the staff at SMEC.

At SMEC the staff are trying to manage a curriculum and a schedule of activities that addresses the needs of many. Having to be aware of every move and every step of every day to minimize the chances of Jillian having a seizure is a huge burden. But I am here to tell that the way they handle that burden is nothing short of amazing. The patience, understanding and empathy that they show my daughter and all of the consumers in their care is a tribute not only to their training but the obvious compassion they have for those less fortunate. The staff at SMEC's ADH program don't just manage my daughter's problem. They enjoy her company, her participation in their programs and seem to take pride in her accomplishments as much as we do at home. Jillian herself, thinks of staff more as family members than simply service providers.

The results of their efforts are easy for us to see. At SMEC Jillian has made great strides in her social skills and has learned appropriate behaviors for difficult situations. She has shown growth in her maturity and has learned to express herself and articulate her needs. The employment piece at SMEC contributes to her sense of independence and self esteem. She is exposed to many different social functions and community events. Her general education continues and is augmented by special programming in health and nutrition. Jillian recently lost 6 pounds and came home beaming with pride after her weigh-in at SMEC's extended day program. More than anything, Jillian enjoys a sense of belonging and acceptance whenever she attends SMEC programs.

In conclusion, I would like to bring us back to the purpose of this Committee's deliberations. Should an educational collaborative be allowed to continue servicing its students with adult programming after age 22? Having listened to my testimony here today and hearing of the positive relationship we enjoy with our collaborative, SMEC, you won't be surprised to hear that my answer to that question is, "absolutely!"

And, I would like to leave with you, as dispassionately as I can, three really strong arguments to allow collaboratives to continue to provide adult services.

The first argument is Choice. Allowing collaboratives to offer adult programming simply gives parents more choices. Depending on where you live, the availability of private adult programs may be limited. Having more choices is a positive for parents entering a critical and transitional period in the lives of their special needs child.

The second argument I would like you to consider is Continuity. In many cases, as in mine, the educational collaborative has already been working with the parent and the child for a long time, addressing the educational needs of their student. Maintaining this relationship, through adult programming, allows for the continuity of services that will address already established needs and goals. Developing individualized education plans is what they do best. Let them use this skill and their familiarity with the individual student to develop a service plan that will compliment what has already been done. Let them join parents to develop a plan to promote the ongoing educational and social growth of the individual as an adult.

The third and final argument I would like you to consider is Quality of Services. Some collaboratives have already been providing adult programming. If they have been doing a good job, let them continue. I have done my best today to explain how pleased we are with SMEC, which is our collaborative. They enjoy a very positive reputation in our community. They are constantly communicating with us as parents and are always eager to hear our input. We consider them partners in the ongoing development of my daughter, into a happy and productive young adult.

Thank you for your time.

Donald Nelson
27 HARVARD ST
FAIRHAVEN MA 02719
508 999-1962

Ann Morgan
CAPS Collaborative & FLLAC Collaborative

Hello,

1. Reflected in some of the suggestions for changes are concerns I have not thought of a need for. My experience with Collaboratives has been very positive. I currently with the CAPS Collaborative and FLLAC Collaborative, and have been very please with both. I have previously worked with the former Hampshire Educational Collaborative now known as the Collaborative. All of the collaborative I have experienced try to keep their prices down; create programs needed by member Districts; and have devoted staff.

2. I do not favor moving to over 22 services unless we are going to put a lot of planning into the funding of those programs. It would also require expanding staffing, as the skills for those who work with disabled adults is somewhat different. Would funds from DCF be shifted to support these programs?

3. I also think that the expansion of services to be offered to Districts, such as staff training does provide a service, but it is a service that in some other states is provided by the Department of Education. Compared to other states that I have worked in we are more fragmented in how we function. A connection between the Massachusetts Department of Education and the Collaborative Leadership could be a good thing to help facilitate meetings between District leadership and the Department. Back when we had Regional Meetings the message was much more consistent.

Thank you for reading this,

Ann Morgan

Ann Morgan
Special Education Director
amorgan@nrsd.org

Joan E. Schuman
Collaborative for Educational Services



collaborative.org
Collaborative for Educational Services

To: Members of the Commission on Educational Collaboratives

From: Joan E. Schuman, Ed.D., Executive Director
The Collaborative for Educational Services

Re: Testimony before the Commission on Educational Collaboratives on the
Commission's Legislative Charges

Date: January 3, 2013

On May 6, 2011 I testified before the Commission on Regionalization and Collaboration to talk about the role that educational collaboratives do and can play in building the capacity of local school districts no matter what their size. At that time I spoke about the hidden and often silent partnerships that educational collaboratives had with their member school districts, their cities and towns, and with some state agencies and that it was time to recognize the importance of these partnerships that have been kept under the radar screen for the past forty years.

We all know what transpired very shortly after that hearing in May and that those events subsequently brought legislation regulating educational collaboratives and this commission into being. Nonetheless, my message to you now is no different than it was in May of 2011. If anything, it is even stronger and more urgent.

As many of you know, the school districts in Franklin County joined the Collaborative for Educational Services three years ago and since that time they have enjoyed the benefits of membership, saved money, and found programs for their students and professional development for their teachers much closer to home.

Similarly, the Collaborative for Educational Services has provided intensive training to over 1100 teachers of English Language Learners across the state last year, provided courses toward licensure for 865 future and current teachers across the state, and partnered with DESE to provide training across the state on the Common Core and the Educator Evaluation System. And although we primarily focus our expertise on the needs of our mostly small and rural member districts, the expertise we have developed helps communities all over the Commonwealth. Indeed, I believe that all districts in Massachusetts no matter their size should become members of collaboratives or partner with collaboratives in order to access the resources that collaboratives represent.

There are 45 states that have educational service agencies(ESA) that both enhance the capacity of school districts to respond to the needs of their students and educators, and often serve as disseminators of information and technical assistance for their respective state departments of education. Although collaboratives in Massachusetts have been seen as a source of help and assistance to LEAs for their low incidence special education populations, they have not been recognized as a resource the state can turn to for providing programs and services beyond special education. Instead the state has relied on private vendors or profit making companies to deliver the training, professional development and technical assistance to low performing schools, support that the state cannot provide by itself and support that educational collaboratives could provide given our expertise in working with special education students.

Robert Stephens and William Keane, the country's leading researchers on educational services agencies, call ESA's the hidden partners in American education. Before I knew Bob and Bill and heard them use that term, I used the term, in describing collaboratives, "the silent partner" of the many school districts and educators we serve across the state. In these fiscal times, we can no longer afford to be kept hidden or silent, but we should be considered real partners in the educational hierarchy of Massachusetts.

This commission has an opportunity to maximize the cost-saving potential of educational service agencies by making them less hidden and less silent. More importantly, key stakeholders and policy makers in the state need to better understand and utilize the capacity of educational service agencies. By the same token, collaboratives need to adapt and evolve to meet the critical expectations the state has for its school districts. Like our neighboring states of New York or Connecticut, or in other states across the country, the state should create incentives for school districts to become members of educational collaboratives and help build the capacity of educational collaboratives so that there is more consistent programming and delivery of services across the state.

If collaboratives are to offer consistent cost-sharing, cost-effective quality services to districts across the Commonwealth they will need proper support and recognition from both the legislature and the state education agencies. Our school districts have new and exigent needs for cost-effective collaborative programs and services. However, state education agency leadership in Massachusetts will need to be involved in the promotion of such services, the utilization of those services for their own message delivery, and in the accountability of the delivery of services, ensuring that collaboratives as well as other providers meet agreed upon cost effective and quality standards.

With that said, let me respond directly to the charges the legislature mandated for the commission.

1. Should a statewide network be established?

It is my hope that MOEC will develop and propose to the Commission and the Commissioner of Elementary and Secondary Education a statewide network that will allow both the growth and development of 6-8 multi service educational collaboratives that can not only serve their regions

but can carry out the implementation, either individually or collectively, of major statewide initiatives. Smaller collaboratives who wish to serve just their member districts in the area of special education should be allowed to continue to serve their constituents as long as they can remain financially viable and are connected in some way to the larger collaboratives in their region.

Several states ESA's have gone through the painful exercise of forming networks, shrinking their numbers or merging their organizations: Washington, Ohio, Pennsylvania, Wisconsin and Iowa are a few examples. We should learn from them and come up with a solution that fits Massachusetts and its long standing belief in local control.

Although it would be in the best spirit of entrepreneurialism to expect the 6-8 larger entities to grow to the level they will need to be to carry out the state's work without financial support, I doubt that there will be many who will want to take the risk. However, the state could make collaboratives the first provider of choice and through grants and contracts that are now given either to districts directly, to the DSACs, or to private providers, make those opportunities available for those collaboratives who are interested.

2. Should collaboratives provide programs and services to disabled adults over the age of 22?

My response to this charge is unequivocally yes for two reasons: (1) most if not all of the adults collaboratives serve in their adult programs were educated in collaborative programs before they turned 22. The continuity of services is extremely important to these adults who are our most fragile citizens. Secondly, it is my biased opinion that the state should spend its public money in public institutions rather than private profit or non-profit agencies over which there is little control and oversight. Public agencies like collaboratives have to submit UFRs when they receive contracts for these services and must negotiate all expenditures with the contracting agency. This provides maximum oversight and accountability. For those collaboratives who provide this programming, their boards should decide what programs they want their collaborative to offer, not the legislature.

3. Maximizing the efficiency and capacity of existing educational collaboratives

Educational collaboratives by definition are efficient entities. They have to be to survive. I believe that if we are serious about building the capacity of existing educational collaboratives then a statewide network must be developed. However, I am not convinced that we should build or expand the capacity of all educational collaboratives which I have discussed above and will discuss below in response to the consolidation question. We do not need 26 or 28 organizations providing the same level or number of services to school districts and others across the Commonwealth. This will lead to much duplication and redundancy of both services and resources.

4. Role and Relationship of collaboratives to non-profit entities

Most educational collaboratives can apply for and receive IRS designation as a public non-profit and therefore be eligible to receive private foundation funding. Thus, I have never felt that it

was necessary to have a separate non-profit entity tied to the Ch.43 collaborative. However, given the proposed regulations to cap the fund balances of educational collaboratives and to limit the definition of what constitutes a budget thereby limiting the fund balance's growth even further, may suggest that there may be a need for a separate non-profit to support the research and development required to establish new programming. Educational service agencies have been successful in most parts of the country because they are/were entrepreneurial and had a vision that certain programs and services would serve their districts well, would be necessary in the future, long before the districts realized they needed those programs and services.

To be visionary often means taking risks and to be able to take risks requires a financially sound structure. The proposed cap on fund balances will make future growth of collaboratives unlikely unless the state provides some incentives or allows the establishment of non-profits that can grow their endowments.

5. Compensation levels

Appropriate compensation levels and management authority should remain within the purview of the board of directors of individual collaboratives as it does with school committees and boards of both non-profit and profit making entities. Educational service agencies must be run like a business if they are to become and/or remain successful enterprises. States that have capped executive salaries e.g., New York BOCES superintendents, have lost talented leaders to other states. Massachusetts should learn from the New York lesson.

6. Merits of merging or consolidating existing educational collaboratives

While I personally believe that there are far too many educational collaboratives for a state with fewer than 1 million students and that can be crossed east to west and north to south in less than 4 hours, I am cognizant of the fact that Massachusetts believes strongly in local control and superintendents and school boards love their local collaboratives. There have been many opportunities in the past, when there have been retirements in neighboring collaboratives, where collaboratives could have merged had their boards wanted to do so. Any merger should be voluntary; forced state consolidation will be resented and provoke resistance that will do little good for the children and youth we serve. That is why I believe the development of a state network that will provide for greater growth among 6 to 8 collaboratives but allow for the continuation of smaller collaboratives to provide local special education programs and services to their member districts under the larger agency umbrella is essential for the future of educational collaboratives in the Commonwealth.

7. Limiting programs and services

Most educational collaboratives have, as their core mission, the provision of cost effective services and programs to their member districts and/or to children and youth who are at risk. Any cost effective services we can provide to the public sector, whether it is local, regional, or state governmental entities can only strengthen and build the capacity of those entities to provide better services to the citizens of the Commonwealth, including those children and youth who are our primary constituents. If educational collaboratives can play a role in assisting our

cities and towns to carry out the functions of government we should not be prohibited from doing so, assuming we have the capacity or can build the capacity to do so. Such activities can only enhance our mission and purpose, not diminish it.

Conclusion

As most of you know, Massachusetts had a system of 6 regional centers in the 1970's and 1980's. Those centers had both a mandate to regulate schools districts and a mission to provide technical assistance and support to educators and school districts. With the advent of chapter 766, the MA special education law, there was a need for some type of public entity to provide direct services to students with special needs more cost effectively than the private sector was able to do. Hence educational collaboratives were born. We should not lose sight of the fact, however, that despite having a dual sometimes contradictory mandate/mission, 6 regional centers served the entire state and served it well. While no one is suggesting that collaboratives participate in regulatory activity, the types of support and technical assistance provided by those regional centers need to be provided by the DESE in this era of higher standards and greater accountability. Given that DESE does not currently have the capacity to provide this support, what better organizations are there to be DESE's partner in providing the assistance that school districts need? While there are many collaboratives that may not want this role, there are many who would welcome it. I hope that the commission will learn from our past history and incorporate some of those lessons in your recommendations. Please give educational collaboratives the legitimacy they have earned and the recognition that we are a solution to many of the needs that exist in our educational system as it is configured today. In doing so, please make sure we retain the flexibility we will need to serve the children, youth and educators of this state.

Nance P. Bellizzi
Acushnet Public Schools

ACUSHNET PUBLIC SCHOOLS
SPECIAL EDUCATION DEPARTMENT
02743



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NANCE P. BELLIZZI
DIRECTOR OF SPECIAL EDUCATION
January 16, 2013

Please consider this letter as written testimony relative to the Department Of Elementary and Secondary Education's draft of Proposed Regulations Relating to Educational Collaboratives from December, 2012. Our small district works closely with several local collaboratives that provide programs we are unable to sustain due to our rate of low incidence with certain specific disabilities.

Clearly the proposed paradigm shift in managing the collaborative programs is the result of inappropriate actions and unethical behavior of a particular director. While the state stepped in to address the improprieties of that particular program, drastic measures to attempt the control of all collaborative would most likely compromise the existing effective programs as well as student success. Having a subset of collaborative across the state with the capacity to roll out state initiatives may be a more viable option than the regionalization of these programs.

In my short term as the Director of Special Education, ELL Coordinator, Title IX Officer, McKinney-Vento Liaison and Preschool Coordinator, as well as writing grants for the district, I have networked with many DESE employees. I do not feel that it is necessary for a statewide network of education collaborative to be established for new programs. Based upon the staff that I have worked with at DESE, most carry heavy caseloads as they deal with increasing state and federal regulation demands, reorganization of programs (ex. RETELL), district requests and training in all of these areas. The feasibility of the DESE to undertake the creation of a new framework for the Bay State's collaborative with ease is highly improbable.

Within districts, it is often not unusual for departments, School Committees, Finance, Planning or Select Boards, to have differing perspectives regarding educational programming for specific student needs. The pragmatics of assuming boards from

various districts, which are forced to regionalize, would collaborate efficiently with students best interests as a top priority, is highly variable.

It is my belief that educational collaborative are appropriate settings for providing programs to developmentally disabled adults over the age of 22. Measures to ensure proper accounting and funding could be monitored by the Coordinated Program Review of these programs.

Respectfully submitted,

Nance P. Bellizzi

All students, regardless of race, color, sex, religion, national origin, sexual orientation, gender identity, disability, limited English proficiency, or homelessness, have equal access to the general education program and the full range of any occupational/vocational education programs offered by the district.

*Leo V. Sarkissian
The Arc of Massachusetts*



*For people with intellectual
and developmental disabilities*

The Arc of Massachusetts

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January 18, 2013

Carolyn Benzon, Research Analyst
Joint Committee on Education
State House, 473G
Boston, Ma 02108

By email: Carolyn.Benzon@mahouse.gov
Re: Commission on Education Collaboratives

Dear Ms. Benzon:

Please accept the testimony of The Arc of Massachusetts in regard to the Commission's deliberation on the status of "Collaboratives" and particularly on the question of whether the collaboratives are appropriate settings for delivering services to those over 22 with disabilities.

The Arc is a 58 year-old disability advocacy organization whose mission is to enhance the lives of individuals with intellectual and developmental disabilities and their families. We accomplish this through advocacy of supports and services based in the community. We work in partnership with 17 regional affiliates and a national office to implement positive federal-state policies. In Massachusetts there are 180,000 persons with disabilities and families.

Collaboratives were established as cost-effective partnerships between school systems to assist with provision of services to low incidence populations and/or share resources to bring additional expertise to the delivery of special education. Over time and through the adoption of the principle of inclusion, school systems have improved their ability to provide services more locally. This allows students with special needs to attend neighborhood schools and be given the opportunity for interaction with students in their communities. This development requires collaboratives to rethink their roles and make adjustments as needed.

In some cases educational collaboratives have provided services to adults with developmental disabilities over the age of 22 years. These practices began in the 1970s as state officials developed partnerships to reach as many adults as possible through community based supports and services. This

decision to utilize collaboratives was based upon expedience given the enormous task facing state policy makers.

The governance structure of collaboratives and consequently their mission doesn't coincide with providing services to adults. Boards are required to include primarily school committee members and administrators of school systems. Consequently we would advise against any further development of adult services at collaboratives which presently do not provide adult services. Today there are a wide range of providers, over 150 agencies not counting generic resources available to people with developmental and intellectual disabilities.

However termination of existing services provided by collaboratives would cause a disruption for individuals who may have been served for years by the organization. We urge two steps for such collaboratives:

1. these would be "grandfathered in" to continue to deliver services to adults assuming that they comply with typical licensing and other requirements, and,
2. they be required to revise their board composition to reflect the proportion of adults served by their particular collaborative. For example, if a collaborative's census reflects 20% adults, then 20% of its board should be comprised of elf-advocates with development disabilities or their family members. The present board is required to prioritize education services for those under 22 years of age. This adjustment would allow reasonable representation for addressing adults served by the organization.

Thank you for the opportunity to testify before the commission.

Sincerely,

A handwritten signature in cursive script that reads "Leo V. Sarkissian".

Leo V. Sarkissian

Executive Director

Janine Soloman & Julia Landau
Disability Law Center, Inc. & Massachusetts Advocates for Children



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Boston, Massachusetts 02108
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January 22, 2013

Carolyn Benzon, Research Analyst
State House
Joint Committee on Education, Room 473G
Boston, MA 02133

Sent via US MAIL and Email to Carolyn.Benzon@mahouse.gov

**Re: Massachusetts Commission on Education Collaboratives, 12/19/12 Public Hearing,
Written Testimony**

Dear Ms. Benzon and Distinguished Members of the Commission:

On behalf the Disability Law Center (DLC) and the Massachusetts Advocates for Children (MAC), we would like to submit our joint written testimony pertaining to the public hearing held on December 19, 2012. Thank you for this opportunity to provide input relative to the role and structure of educational collaboratives in Massachusetts. As the Protection and Advocacy agency for Massachusetts, DLC represents individual special education students, is involved in litigation, legislation and policy work in our role as advocates in protecting the rights of children with disabilities. Massachusetts Advocates for Children is dedicated to being an independent and effective voice for children who face significant barriers to equal educational and life opportunities, and for over forty years has worked to enforce and protect the rights of children with disabilities through individual, legislative, and policy advocacy.

The Protection and Advocacy System for Massachusetts



Both of our organizations are committed to ensuring that students with disabilities have access to appropriate educational services and placement in the least restrictive environment consistent with their individual needs. We'd like to offer brief remarks for your consideration.

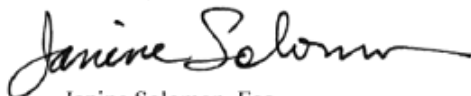
Primarily we are concerned about how the proposed restructuring of collaboratives would impact the provision of special education services. We question whether collaboratives have the capacity to take on the additional responsibilities that would come with an expanded role in supporting state functions and/or providing adult services. Expanding the role of collaboratives would likely detract from their primary mission and focus, which is to provide special education and other services to local school districts. Collaboratives require significant expertise, infrastructure, and specialized resources to appropriately support many of the Commonwealth's children with low-incidence disabilities, and it is critically important to ensure that restructuring initiatives maintain this capacity.

In addition, it is important to ensure that any plans to expand the role of collaboratives incorporate specific mechanisms to ensure that students with disabilities are educated in the least restrictive environment. Under state and federal law, children with disabilities have a right to be included with their nondisabled peers in the least restrictive educational setting. Historically, there have been problems with provision of equitable space for collaborative programs, frequently leading to increased segregation and isolation. We believe that any restructuring initiatives which increase the use of collaboratives must also include procedures to ensure that all youth with disabilities, including children with cultural, linguistic, and economic barriers, have equal access to program and services in the least restrictive environment.

Thank you for considering our comments. We would welcome the chance to discuss our suggestions with you.

Thank you.

Sincerely,



Janine Solomon, Esq.
Senior Staff Attorney
Disability Law Center
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Julia Landau, Esq.
Senior Project Director
Massachusetts Advocates for Children
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*Representative Denise Garlick
House of Representatives*



The Commonwealth of Massachusetts
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COMMITTEES ON:
HEALTH CARE FINANCING
EDUCATION
PUBLIC HEALTH

Carolyn Benzon, Research Analyst
Joint Committee on Education
State House, 473G
Boston, Ma 02108
Re: Commission on Education Collaboratives

Dear Ms. Benzon:

Please accept my testimony in regards to the Commission's deliberation on the status of "Collaboratives" and particularly on the question of whether the Collaboratives are appropriate settings for delivering services to individuals over 22 with disabilities. I write as a State Legislator, a former Health Supervisor for a Day Habilitation Program serving the unique needs of adults with intellectual and developmental disabilities who are medically fragile and as the Mother of a 31 year old daughter in a post 22 community based program. I do not believe that Collaboratives are an appropriate setting. It is a flawed model in terms of mission, governance and accounting and should not be extended.

However, I am aware that a limited number of Collaboratives presently provide these services. I am not in favor of eliminating those services only because it would cause a disruption for individuals and their loved ones who have been served for many years.

In the case where a Collaborative is currently providing services, I strongly urge three corrective actions:

1. These would be "grandfathered in" to continue to deliver services to adults assuming that they comply with typical licensing and other requirements, and,
2. In order to allow fair representation, the Collaborative shall be required to revise their board composition to reflect the proportion of adults served by their particular collaborative. For example, if a Collaboratives census reflects 20% adults, then 20% of its board should be comprised of self-advocates with development disabilities or their family members. (The present board composition is required to prioritize education services for those under 22 years of age.) This adjustment would allow reasonable representation for addressing adults served by the organization.

3. Vigilant monitoring of accounting practices with particular sensitivity of funds used for “administrative” purposes.

As School Districts strive to retain students in their home Districts, the ability for Collaboratives to recruit and retain students has been diminished and there are budgetary concerns. It is likely that a Collaborative would recruit to itself. The vulnerable post 22 population must not be seen as a way to augment those budgets but rather as a unique population with needs which differ from the school age population.

The post 22 population with developmental and intellectual disabilities need and deserve dedicated agencies clear in their mission, governance and fiduciary responsibility.

I appreciate the opportunity to submit this testimony. I am, as always, available to answer any questions.

Yours in service,


Denise C. Garlick
State Representative

Jill Greene
Assabet Valley Collaborative

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Providing joint programs and services for school districts of:

Assabet Valley Region. Berlin/Boylston Region .Berlin. Boylston. Grafton. Hudson. Marlborough.
Maynard. Millbury. Nashoba Region. Northborough. Northborough / Southborough Region.
Southborough. Shrewsbury. Westborough.

Commentary for the Collaboratives Commission

January 22, 2013

The Operating Committee of the Assabet Valley Collaborative (AVC) appreciates the opportunity to comment on the future role and structure of educational collaboratives in Massachusetts. The AVC Operating Committee is comprised of the Special Education Directors of the districts of the Assabet Valley Collaborative. As the Commission moves forward with decision making on the future of collaboratives in Massachusetts, we want to take this opportunity to share our support for legislation to improve the oversight, transparency and credibility of collaboratives. Given the possible changes to collaboratives, we also want to share with the Commission how much our districts, and specifically we as Special Education Directors, rely on AVC for highly specialized programming for students, special education transportation, professional development, consultation services, program evaluation, wrap-around services, cooperative purchasing, school improvement initiatives for technology, curriculum, business, human resources, and special education. Therefore, we want to convey the importance of maintaining the collaborative's ability to continue with these supports.

When asked "how does AVC support you?", one of our Special Education Directors shared the following statement, "The Assabet Collaborative supports [our district] by offering facilitation for a consistent monthly round table discussion on the areas of concern for the school districts. The members have benefitted through discussions concerning special education regulations, best practices, and need for support with programming. This type of leadership initiative has provided those Directors of Special Education and Pupil Services the needed networking and collaboration to reach out to other districts to determine what are effective practices. The directors have few if any collaboration opportunities with individuals understanding the role and circumstances of their stewardship within their individual districts. These meetings provide support for a job that is unique to each school district."

While another special education director shared the following, "The most important part of the collaborative is that we decide what we need in our area, and we pay for those services....we get things done quickly and correctly, while minimizing the negative financial impact on the district. Special Education directors are generally by themselves trying to decipher state and federal law for their

district. I can pick up the phone and call any of my fellow directors...Learning more about best practices in Special Education is important to me. The collaborative meetings are the only place we ever learn about proven educational strategies. At our monthly meetings, the other directors help me with some creative problem solving. The answer isn't always yes or no, sometimes the answer falls somewhere in between, and sharing their past experiences helps me find the best solutions. Through Assabet, we have been able to do research on specific topics, and by sharing the work and the knowledge, we have been able to learn more than we ever could have learned alone. It is so important to strengthen collaboratives and not weaken them. Some of the new regulations appear to be aimed at putting a larger financial burden on the collaboratives, which just trickles down to the already overburdened district. It is important to ensure that the state is not making unfunded mandates that the collaboratives will not be able to pay for."

Similarly, another member of our group shared that Assabet offers a peer group for us to discuss the various aspects of special education law and regulations; a peer group that has similar experience and knowledge that can offer a variety of views and perspectives; this peer group instills a sense of community responsibility to see each district raise the bar of services that we are able to offer students in our member districts. These peer groups, or job-a-likes, provide regular opportunities for brainstorming about best practices and initiatives. These opportunities support Special Education Directors in not feeling overwhelmed and alone. Given the work loads that we carry, it is critical to have a team that brings advisories and updates to the table so that you do not miss important regulatory changes and updates....many heads are better than one. We also need to continue with collaboratives providing an array of supports and services for our students, and professional development to our staff, by working together for program planning and development within our groups.

When planning for the future of collaboratives, the Operating Committee of the Assabet Valley Collaborative asks the Commission to support a collaborative model that continues to offer district Special Education Directors support in providing quality specialized programming for students, special education transportation, professional development, consultation services, program evaluation, wrap-around services, cooperative purchasing, and school improvement initiatives that meet our local district needs.

Thank you,



Jill Greene

Chair of the Operating Committee, Assabet Valley Collaborative

Director of Student Services, Maynard Public Schools

Appendix D. H.458

AN ACT RELATIVE TO EDUCATION COLLABORATIVES

SECTION 1. Education collaboratives formed under section 4E of chapter 40 of the General Laws shall be organized into designated regions established by the board of elementary and secondary education. The board shall determine the geographic boundaries and composition of such regions according to the recommendations of the special commission on education collaboratives established pursuant to section 5 of chapter 43 of the acts of 2012.

Each region shall establish a regional advisory council consisting of the executive directors of each education collaborative within the region. Each regional advisory council shall: (1) identify regional needs and priorities for educational services; (2) develop policies to coordinate the delivery of services to school districts in a manner that responds to regional needs and priorities; and (3) work in partnership with the department of elementary and secondary education and other regional entities to coordinate the dissemination of information and support to districts. Each regional advisory council shall meet not fewer than 6 times annually.

SECTION 2. The department of elementary and secondary education shall encourage the use of education collaboratives formed under section 4E of chapter 40 of the General Laws as providers of educational services and programs for local school districts and may give special consideration to grant applications that indicate the use of education collaboratives for the purpose of procuring services and programs.