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Chapter 766 of the laws of the Commonwealth of Massachusetts : implications for public education.

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CHAPTER 756 OF THE LAWS OF
THE COMMONWEALTH OF MASSACHUSETTS:
IMPLICATIONS FOR PUBLIC EDUCATION

A Dissertation Presented
By
Peter T. Millner

Submitted to the Graduate School of the
University of Massachusetts in
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Major Subject: Urban Education
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CHAPTER 766 OF THE LAWS OF
THE COMMONWEALTH OF MASSACHUSETTS:
IMPLICATIONS FOR PUBLIC EDUCATION

A Dissertation

By

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ABSTRACT

Chapter 766 of the Laws of the Commonwealth of Massachusetts: Implications for Public Education

(October, 1974)

Peter T. Willner, B.A., Southampton College of Long Island University

Directed by: Dr. Cleo Abraham

The purpose of this study was to investigate the process of special education reform legislation in the Commonwealth of Massachusetts.

A critical historical analysis of Massachusetts public school special education services argued the need for special education reform legislation more specifically relevant to the educational needs of handicapped children. Included in this context was an investigation of recent court and legislative reforms pertaining to special education throughout the United States. In part, this discussion provides the justification for the drafting and eventual passage of the 766 law in Massachusetts.

The study also analyzes the Chapter 766 law, its development, advocates, adversaries, provisions and projected regulations.

Finally, the study attempts to design a questionnaire inquiring into the impact of Chapter 766 on public education in Massachusetts. The objective sought was to
provide special education consumers and school officials with data relative to the perceptions held by school administrators concerning the implementation of the law.

The initial chapter is a general overview of special education services in the Commonwealth of Massachusetts. Emphasis is placed on the five major educational services afforded to handicapped children in the Commonwealth. Considerations include: state institutional services, private schools, public school special education, and educational exclusion.

A further portent of this chapter is the purpose and content organization of the study and a definition of terms commonly associated with special education.

Chapter II: "Public School Special Education Services in Massachusetts" provides an indepth critical investigation of prior public school special education practices. This chapter formulates the foundation for the Chapter 766 legislation pertaining to children with special needs. Inherent in the discussion of Massachusetts public school special education is the curriculum, professional personnel and placement procedures of these programs. Also, the effect of special class placement on the youngsters and families in-
olved is examined through previous studies of Massachusetts special education participants.

Chapter III, "The Legislative Process and the Courts" presents an overview of major court and legislative decisions since 1967 regarding public school special education procedures. In part, successful court actions in other states generated consumer groups to push for special education change in the Commonwealth of Massachusetts.

Chapter IV, "Chapter 766 of the Laws of the Commonwealth of Massachusetts" discusses the development and passage of the 766 law. This chapter considers the role of special education consumer groups, the development of the governing regulations, and the concerns of adversaries regarding the legislation.

Chapter V, "A Survey Bill 766 on Schools In the Commonwealth of Massachusetts" consists of the analysis of data based on a questionnaire distributed to 135 school systems throughout the Commonwealth of Massachusetts. In addition, there will be a discussion of the concerns expressed by public school officials regarding the implementation of Chapter 766.

Concluding Chapter, "Summary, Future Implications and Conclusions" details suggestions Massachusetts public schools and universities should consider to implement the
Considerations include: in-service teacher education programs, increased budgetary allotments for special education, additional professional personnel, the incorporation of special education considerations into existing undergraduate teacher preparation programs, and greater parent and community participation in public school special education programs.
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CHAPTER I
INTRODUCTION

Background

There exists nationally a dearth of services for children, adolescents and young adults with real or assumed handicapping conditions. There are over two hundred learning disabilities affecting six million people in the United States today.

Generally, educational programs for handicapped children have been formulated on diverse guidelines. Considerations for such programs are affected by geographical location, size of the community, economic conditions, and the type of handicap of the child.

Educational Services for the Handicapped

Programs for handicapped children have fallen into one of four categories: state institutional placement, private school education, public school special education, or exclusion from education entirely. All four of these practices are utilized in the Commonwealth of Massachusetts.

State Institutional Services

State institutional placement is usually reserved for children with profound learning disorders, e.g.
mental retardation, multiple crippling, and/or mental illness. The state institution is more custodial programmatically than educational. Recent studies of these institutions have discovered that children have been subjected to dehumanized living conditions. They live in a denuded society either in solitary confinement or in large dormitories of twenty or more in a room.

Youngsters in these institutions receive little educational services. In addition, human contact is limited other than for custodial purposes. The culture of the institution is one of caretaker/client relationships and therefore, impersonal in its nature. The educational programs that do exist have been created as "time killers." They have not been constructed based on the individual's needs or to teach him meaningful skills. It is not uncommon to enter a state institution for the retarded in Massachusetts and witness fifty young adults hooking rugs for the entire day.

The absence of meaningful learning situations in state facilities is due, in part, to a shortage of trained professionals, inadequate state funding, and the prevailing philosophy that disables children are incapable of acquiring learning skills. In addition, given the custodial nature of the institution, the youngster's disability

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becomes more pronounced with each passing year due to his institutionalization.

Whether children or adults consigned to these institutions are retarded, mentally ill, or have other needs, there appears to be something in that institutional placement that has a debilitating effect on human development.\(^7\)

**Private School Services**

Private school placement represents a more favorable alternative for the handicapped youngster. The private school's curriculum is formulated based on the specific learning disability, such as blindness, deafness, or emotional disorders. The educational programs of these schools are structured to meet the needs of the child.

Limitations with these programs lie within their homogeneous structure. The child learns, socializes, and lives with children who have the same abilities. As a result, the youngster has few opportunities to have contact with children of diverse learning characteristics.

Also, few of these private institutions exist within the state of Massachusetts. The expense of constructing these schools is prohibitive. Tuition expenses are more than the average family can afford. To remedy this situation, the state will pay tuition costs.\(^{29}\)
However, because of the limited number of these schools, there are long waiting lists for admission into private programs. Secondly, due to the selectiveness of private school operators regarding admission, it is assumed that few minority children are accepted into these learning centers. Therefore, children from low income and/or minority families have limited access to these institutions.

More often than not, the private school is a distance away from the child's community. This forces the child to reside at the school. Thus, the child becomes isolated from his family and society.

Public School Services

Theoretically, the most beneficial educational placement for the handicapped youngster is the public school special education class. He may remain at home with his family and still receive education and other support services at the local public school.

However, Massachusetts public school special education programs have failed to adequately educate children with learning disabilities. The roots of this failure are in ambiguous diagnostic procedures, lack of properly trained counselors and teachers, and the segregation process of special education classes.
In urban areas, many children from different ethnic and cultural backgrounds have been labeled retarded solely on the basis of a low score on the standardized intelligence test. These children do not necessarily exhibit any organic defect, and thus could be termed "pseudo-retarded."

These pseudo-retarded children make up the bulk of public school special education classes throughout Massachusetts. Youngsters who come to school and appear too quiet, anxious, troublesome or erratic in their behavior are labeled "retarded" as the explanation for their learning difficulty. Dunn theorized that eighty per cent of the pupils in public school special education programs are from low status backgrounds including Puerto Rican, Blacks and poor Whites.3

As a result, special education classes have become educational graves for children in public schools throughout Massachusetts. Seemingly, the major fault of these children is that they came from environments which are different from White middle class standards.

Kenneth Clark terms this practice "educational atrophy"

... Children who are treated as if they are uneducable ... become uneducable ...

It is generally known that if an arm or leg is bound so that it cannot be used, eventually it becomes unusable. The same is true of intelligence.4

Educational Exclusion

In part, the placement of non-organically impaired children into public school special education programs has excluded children with organic learning dysfunctions from these programs.

In addition, public schools do not have the necessary types of programs to benefit all handicapped children's needs. Consequently, the public school will refuse the child admission if they cannot educate him in the special education class designed for mentally retarded or emotionally disturbed children.

The child may apply for admission to a private school. The chances of admission are slim because of the long waiting lists. Until acceptance into the private institution, the only option for the child is to remain at home. The Task Force On Children Out of School documented this problem in the City of Boston:

A minimum of 4,000 school age children are excluded from the Boston public schools; the likely number ranges as high as 10,700. The majority of these children remain out of school because the school department provides no educational programs for them.5

The Massachusetts Coalition for Special Education (1971) estimates that there are 60,000 emotionally disturbed and retarded children in the Commonwealth of Massachusetts. There are an additional 25,000 children with perceptual and/or physical handicaps. Of these 85,000 children, only approximately 5,000 have been receiving state, local, and private educational services.7

Because Massachusetts public schools have failed in providing equal educational opportunity for all children, the state legislature was urged by parent groups, professionals and concerned citizens to reform the laws pertaining to the education of the handicapped.

On July 17, 1972, Governor Francis Sargent signed into law "Chapter 766, An Act to Further Regulate the Laws Relative to Children Who Require Special Education and Providing Reimbursement Therefor." Briefly, "766" mandates public schools provide educational programs for all

7Ibid
handicapped children. In addition, the law provides for schools to take census and re-evaluate children presently in public school special education classes. If these children are non-organically handicapped, they are to be re-situated into regular classroom programs.

Finally, the law redefines the diagnostic evaluation criteria employed by public school systems. This is accomplished by replacing the single criteria of the standardized intelligence examination with the Core Evaluation Team diagnostic approach.

STATEMENT OF THE PROBLEM AND THE PURPOSE OF THE STUDY

In the past ten years, there have been numerous court cases regarding the injustices of special class placement and the "tracking" of children in urban schools.6 Cases regarding the tracking system, Hobson vs. Hansen, 1967, Smuck vs. Hansen, 1969, Diana vs. State Board of Education, 1970, all ruled in favor of the child.9 These court decisions contended that special class placement and the tracking system were a violation of the civil rights of children.

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6 For a definition of the term "tracking", see p. 14.

9 Sterling L. Ross, Jr., et al., Confrontation: Special Education Placement and the Law," Exceptional Children (September, 1971). p. 5-12.
Those cases culminated with a class action suit against the Pennsylvania legislature by the Pennsylvania Association for Retarded Children.\textsuperscript{10} P.A.R.C. charged that mentally retarded children in Pennsylvania were being denied free access to education in state institutions and public schools. In a landmark decision, 1971, the Third United States District Court of Pennsylvania ruled in favor of P.A.R.C.\textsuperscript{11} The court ordered the State of Pennsylvania to provide public education for all children with learning disabilities. This decision represented acknowledgement of the concept that public schools must serve all children in the community regardless of race, religion, economic background or learning handicap.

The Commonwealth of Massachusetts, faced with similar court actions, has written and passed "Chapter 766 of the Acts of 1971" in an attempt to reform special education inequities. An examination of the law and its regulations suggests that Chapter 766, if implemented, will reform these prior practices. Guidelines have been constructed to clearly define evaluation, placement of students, and the content and quality of programs.

\textsuperscript{10}I. Ignacy Goldberg, Leopold Lippman, Right to Education (New York: Teacher's College Press, 1973)

It is the contention of this study that the greater the knowledge and understanding of the 766 law by public school administrators, the greater the likelihood of special education reform in Massachusetts. The hope for change in Public school special education is therefore dependent upon that knowledge and understanding.

The purposes of this discussion are threefold. An historical overview of legislation and major court decisions aimed at reform in special education will provide the context for the consideration of the 766 law. Second, this discussion will report on an inquiry into the Impact of Bill 766 on Public Schools in the Commonwealth of Massachusetts with the objective of providing data relative to the perceptions held by school administrators in Massachusetts public schools on the implementation of the law in their school districts. Finally, some projections will be made on the future of reform in special education in Massachusetts based on the data in the survey and interviews with special education consumers and school officials in the state.

Content and Organization of the Study

This study consists of six chapters. A major concern of this volume will be a review of urban public school special education practices in Massachusetts.
Through an analysis of the placement procedures, diagnostic techniques, and curriculum content, the review lays the foundation for an inquiry into state and local reform of special education policies.

A discussion of recent court decisions regarding children with learning dysfunctions will be reviewed. The Pennsylvania decision (1971), the Utah case (1969), and the Washington, D.C. ruling (1967), are discussed as part of the press for the eventual drafting and passage of the 766 law.

This study will also investigate several state statutes pertaining to the definition of what constitutes a handicapping condition. An addenda to this investigation is the definition of educational services the handicapped child is entitled to receive. In addition, the role of parent groups and other special education consumer groups are discussed as part of the background for the passage of the special education reform bill in Massachusetts.

An integral portion of this volume is a discussion of the 766 law. Included is the historical development of the law, provisions of 766, criticisms against the law, and the regulations governing the implementation of the legislation.

To obtain a sense of school systems' perceptions regarding 766, a questionnaire was developed. It was distributed to two hundred school districts throughout the
Commonwealth of Massachusetts. The questionnaire was designed to test the hypothesis that the greater the knowledge and understanding of the 766 law by school administrators, the greater the chance for special education reform. It was hoped that the data from the questionnaire would provide answers to the questions of when and how school systems will implement the provisions of the 766 legislation. The final chapter will discuss the projected possibilities of 766 for special education reform in Massachusetts public schools.

Limitations of the Study

This study attempts to make available to school district officials responsible for the implementation of 766, and other groups interested in special education reform, information regarding the projected implementation of 766 in Massachusetts school districts. It focuses on the perceptions of school administrators throughout the state on the reform 766 legislation. Validity of the information contained in this study is limited to the responses of the participants, since it is difficult to ascertain the amount and accuracy of knowledge respondents had concerning the special education area. The projections on implementation of 766 is further limited by the fact that the issuance of regulations for the
special education statutes will not be finalized until September, 1974. Administrators could only project district plans for special education budgets and programs. Finally, this dissertation does not aim to offer a plan for the implementation of 766 or for the in-service training for teachers that will undoubtedly be needed for its effective implementation.

Definition of Terms

The following are definitions of terms used in this study:

Child--whenever used in this study, "child" refers to anyone under the age of twenty-one who because of temporary or permanent disabilities (intellectual, emotional, physical, economic, linguistic, psychological or perceptual) requires special education placement.

Developmentally Disabled--any permanent or temporary learning dysfunction (intellectual, emotional, physical, etc.).

Intelligence--problem solving ability to adapt appropriately to environmental demands, and the ability to apprehend abstract interrelationships.

Mental Retardation--the congenital failure of normal intellectual development.

Organic Retardation--mental retardation which results from any of the following: incomplete development or destruction
of tissues of the central nervous system; lack of brain development before birth; over exposure to X-rays; illness; infections; and/or glandular disorders during pregnancy; extraordinary prolonged labor; pelvic pressure; hemorrhage; or lack of oxygen, any of which may damage the infant's brain; post natal causations; accidents; poisoning; glandular disturbances; chemical imbalance; childhood disease; pre-mature birth.

Pseudo-Retarded--children who have no neurological impairment, but are judged by school officials to be able to achieve only at the level of brain damaged educable children.

Educable Retarded--any child who scores between 79 and 50 on a standardized intelligence exam.

Exclusion--the denial of free access to public education or the segregation of children into public school special education class.

Tracking--the placement of children with similar intelligence scores into homogeneous classes.

"Children With Special Needs"--any child who has a temporary or permanent learning disorder (emotional, physical, linguistic, organic, etc.).

Minority Students--children who are members of the following American cultural groups: Black, Hispanic, American Indian, Asian. In addition, children of the White
majority whose parents are members of the lower socio-economic group are termed, for purposes of this study, as members of a minority group.
CHAPTER II
PUBLIC SCHOOL SPECIAL EDUCATION SERVICES IN MASSACHUSETTS

The Commonwealth of Massachusetts historically has been a pace settler in its educational policies. Citizen groups and state governments have traditionally pledged their support to equal and free education. While the Commonwealth of Massachusetts was one of the first to recognize that children with handicaps require educational instruction, implementation of this goal has left a lot to be desired.

Although most citizens are committed to the principle of education for all, the corollary is not that all children are educated, but rather, that there is a marked discrepancy between principle and practice.†

This chapter presents an overview of the special education services in public education in Massachusetts. These practices have led special education consumer groups and educators to seek legislative change and programmatic reforms on behalf of children with learning disabilities.

Special Education: The Labeling Process

The first state statute regarding the definition of "who is a mentally retarded child within the Commonwealth"

†Burton Blatt, "Public Policy and the Education of Children with Special Needs", Exceptional Children (March 1972), 537.
(1920) provided that a child shall be classified as such by the results of a standardized I.Q. exam. The child is labeled retarded if he scores 79 or below on the test. The test is usually administered by an approved psychologist, psychomathist, or guidance counselor. The two commonly utilized intelligence tests are the Stanford Binet and Wechsler I.Q. exams. School districts select the test that is to be employed. Until 1971, the I.Q. test was only given in the English language form.

The uni-lingual approach to testing provided a distinct disadvantage to non-English speaking children in Massachusetts schools. For example, the family immigrating to Boston from Puerto Rico with a school age child without a written or verbal proficiency in the English language is confronted with a myriad of social adjustments. Coupled these pressures with the school labeling the child retarded on the basis of the English intelligence test and the results may be devastating.

In such a situation, the family's hope for upward mobility rarely becomes a reality. The Puerto Rican child is labeled and placed into a twice foreign learning situation. Neither he nor his family comprehend the "why" of the sudden retardation or how to rise above this situation.

More than fifty per cent of the pupil enrollment in special education classes in Boston junior highs is
comprised of children from Puerto Rican backgrounds.² Studies in other states have revealed that children with Spanish surnames comprise over twenty-five per cent of the pupil census in special education classes. Jane Mercer,³ in her study of special education classes in Riverside, California, found that twenty-two per cent of the pupil enrollment were children of Mexican-American heritage. The California State Department of Education (1967), revealed that 85,000 children in special education classes throughout the state were from Spanish backgrounds.

In 1969, John Chandler of the California State Department of Special Education,⁴ studied the I.Q. examination which was used as the criteria to determine special class placement. Chandler concluded that the test had a norm regulated on standards for White middle class children.

Chandler tested a sample of forty-seven Mexican-American children who had spent three years or more in public school special education programs. Thirty of the

²Personal observations, Boston Junior High School, November, 1975.


children were from urban areas. The remainder came from rural sections of California. He retested these children with a Spanish version of the Wechsler I.Q. exam. Twenty-seven of the forty-seven children retested scored eight per cent or better on the Spanish translation of the test.

Chandler also found:

While the gains did not reach 100% score on the I.Q. exam, the fact of each child being in special education classes for three years had a retarding ability on the child being tested.  

The Chandler study is indicative of the labeling and placement procedures in Massachusetts public schools. In October, 1970, a court case entitled Stewart et al., vs. Phillips et al. (70-1199-F) was argued before the Federal District Court of Massachusetts. The case was on behalf of seven Black children and their parents regarding the testing and placement of these children into a Boston public school special education class. Through private testing, it was discovered that these seven children tested as non-retarded. Retesting studies by the Task Force On Children Out of School6 revealed that fifty per cent of the children in Boston public school special education classes have been misclassified.

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5 Ibid.

The major argument is that the standardized intelligence test does not accurately diagnose the child's learning ability or handicap. I.Q. tests are standardized on White middle populations. They are verbal in content and contain questions based on White middle class experiences. The I.Q. exam is, therefore, a socio-culturally biased mechanism that cannot aptly determine if a child is organically mentally retarded.

Because of its content, the I.Q. test discriminates against children of different racial, cultural and economic backgrounds. The child from a poor family has less chance of succeeding on the intelligence test than a child from a White middle class family.

Intelligence tests are invariably slanted toward knowledge which the middle class has and the poor do not have. The vocabulary that is used in the early grades is the language of the middle class. The poor child has had no contact with that language in his home, either in written or spoken form, and the very words used in school are foreign to the poor.7

I.Q. testing as a diagnostic tool has systematically deprived many minority and lower socio-economic of their right to education.

The concept of an intelligence test is meaningful only if there exists some measurable quantity which represents intelligence. No such quantity has yet been discovered.\(^8\)

Mercer\(^9\) found that three times as many Mexican-Americans and two and one half times as many Blacks as Whites were enrolled in special education programs. In 1968, L.M. Dunn concluded:

There are approximately 32,000 teachers of the retarded employed by local school systems, over one third of all special education educators in the nation. In my best judgement, about 60 to 80 per cent of the pupils taught by these teachers are children from low status backgrounds, including Afro-Americans, American Indians, Mexicans and Puerto Rican Americans.\(^10\)

Hurley, Mercer, and Chandler support the concern that the use of the intelligence test for special class placement excludes minority and poor children from a regular education. Urban schools have the largest population of minority children in special education classes. Generally, these school systems have contended that children of diverse cultural heritage do not possess skills to become successful in White middle class society.

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\(^8\) Ibid., 30.

\(^9\) Jane Mercer, op. cit., 115-16.

\(^10\) L.M. Dunn, "Special Education for the Mildly Retarded: Is Much of It Justifiable?" Exceptional Children (September, 1968) 5-12.
I.Q. testing and the subsequent placement of minority group children into special education classes can be theorized as an act of institutional racism by urban educational communities. A minority group child who scores poorly on an intelligence exam reinforces White educators' negative attitudes that a Black or Puerto Rican youngster is "dumb."

In the Commonwealth of Massachusetts, consumers of special education services have begun to investigate the entire labeling and testing process. Studies such as the Task Force On Children Out of School (1971) and the Massachusetts Study of Educational Opportunities for Handicapped and Disadvantaged Children (Slatt, et al., January, 1971), have substantiated the negative aspects of intelligence testing to determine the child's learning barriers. These investigations have aided the argument for reform legislation pertaining to public school labeling practices in the state.

The Placement Process into Special Education

Most children commence their public school careers in the regular classroom. The teacher observes his/her students and grades each on his/her academic performance. If a child, in the eyes of the teacher, acts unusual, he may recommend the student for counseling and evaluation.
If the child is performing poorly academically as well, the teacher will recommend testing.

If the child scores 79 or below on the intelligence test, he is referred for special class placement. Beyond the standardized intelligence test, children in the Massachusetts public schools are not generally evaluated for their learning difficulty.

Children may score poorly on I.Q. tests for a variety of reasons: anemia, poor eyesight, emotional concerns, lack of sleep, recurring headaches, and verbal or linguistic difficulties, to name a few. Diagnostic procedures of the I.Q. exam are inappropriate to discover any of these learning problems. In part, the fault lies with the state's guidance system as it is presently coordinated.

The Guidance Counselor

Generally, it is the school or district guidance counselor who administers and evaluates the I.Q. test. The Task Force on Children Out of School reported that in 1969, there were only twenty-nine licensed guidance counselors in the city of Boston.11 "This means a counselor ratio of 1:6,410 children each year."12 In part, proper

11 I. F. C.
12 I. F. C.
evaluation is an impossible task due to understaffing of counselors.

In the Commonwealth of Massachusetts, guidance counselors are not necessarily certified by the State Department of Education. They are appointed by individual school districts. Teachers in school systems accumulate points based on individual school department criteria. When a teacher has accumulated enough points, he can be eligible for a guidance counselor position in that school system. To many teachers, a transference to the guidance department is an easy way out of the classroom. Therefore, it is difficult to ascertain how many counselors in the state sought the position out of interest.

The contracting of counselors through this method runs the risk of political patronage. Psychological expertise is not necessarily a prerequisite for appointment to a guidance position. It is difficult to gauge how many guidance counselors have had any pre-service psychological and diagnostic training.

An investigation of Massachusetts public schools demonstrated that guidance departments lacked expertise in diagnostic and counseling procedures. Burton Blatt observed:

In schools where an exclusion is taking place, critical awareness is lacking, due in part to inadequately trained personnel for diagnostic
procedure. This may manifest itself in failure to even notice problems or diagnostic errors.\textsuperscript{13}

Blatt further found, that there was little contact by the school with the family regarding the child's change of class placement. In many instances, the parent is not informed about the evaluation of the child or the subsequent placement.

The Massachusetts statutes pertaining to the education of children with learning handicaps (1971), require that the child who is labeled mentally retarded be re-evaluated annually. It is the guidance counselor who is responsible for this re-evaluation. According to Blatt,\textsuperscript{14} the re-evaluation rarely occurs. One reason for this failure is obvious. There are not enough guidance personnel to service all the youngsters in Commonwealth public schools.

If the re-evaluation does occur, the special education student is subjected to the same testing procedure that was responsible for his placement situation. The child is not permitted to prepare for the I.Q. exam. If he scored low the first time, chances are good that he will score poorly each succeeding time.


\textsuperscript{14}\textit{Ibid.}
Rights of the Parent Regarding the Placement and Evaluation of the Child

Parents with children in urban schools have generally been denied free access to their children's records. In the city of Boston, there is a ruling by the school department that the parent is not entitled to review the test scores of the child. The Director of the Department of Education and Measurement said, "Parents don't have any right to this information about their children." The Director of Special Classes, Mr. Vincent Conners, was quoted as saying:

Involvement of parents is unimportant; it doesn't matter if parents know or not. That's not my worry.16

In an interview with several junior high school special education teachers from the Boston school department, the question was raised about informing parents of their children's scores on intelligence tests. In the discussion that followed, the majority of these educators believed that it would be detrimental to the parent and child if such information is volunteered.17 This philosophy

16 Ibid.
17 Interviews with junior high school special education teachers, Boston School Department, Boston, November, 1973.
represents a parochial attitude by teachers regarding the parent's rights concerning his child.

The parent, as the legal guardian, is entitled to such information. Recent litigation\(^\text{18}\) indicates that parents have become increasingly dissatisfied with the level of access they have to their children's school records. In part, the profession of education, through this practice, is shielding itself from reprisal for its failure to meet the needs of the children.

**Special Education Curriculum**

School districts in Massachusetts utilize the "watered down" curriculum for special education classes. During the 1940's, the "watered down" curriculum was developed as the primary learning tool for those programs.

The theory is to reduce regular school academics to a level at which the retarded child can develop skills. The fallacy of this method is that the extent to which a retarded child can learn academic subjects has never been determined.

\(^{18}\)Between 1967 and 1972, there have been various court actions against these practices: Hobson vs. Hansen (1967), Washington, D.C., Judge Wright, presiding judge, ruled in favor of the parents; Diana vs. State Board of Education, California (1970), the plaintiff succeeded in obtaining a favorable ruling from the court to notify parents of placement, and the records in Spanish.
Massachusetts school districts have also been denying a number of curriculum services to special education classes. For example, in Boston, special education youngsters are not entitled to speech and hearing instruction. Until 1971, these children were not eligible for remedial reading services. "The stipulation is that a child must score 90 per cent or over on an I.Q. test before he or she is eligible." 19

Many children, regardless of their physical or emotional dysfunctions, require remedial reading instruction. The child with learning disabilities has an even greater need for these services.

Some school districts do not permit children in special classes to partake in field trip experiences. 20 These trips are considered non-academic with no relevance for the child. The real dynamics of this practice is to remove the special education child from the academic and social mainstream of the school. In schools where this policy is enforced, the special education programs are failing to consider the external impact of the community on the child. A successful curriculum integrates influences outside of the school to those of the daily environment.

19 Task Force on Children Out of School, op. cit., 43.

20 Ibid., 44.
In some Massachusetts schools, special education students do not participate in vocational arts programs. Underlying this practice is the theory that a child deemed mentally retarded is a danger to himself using industrial arts materials. Some Boston schools do have an on-going vocational arts program. These are on a limited basis. It is the individual school administrator who decides whether to incorporate such programs into the special education curriculum.

In such instances, the entire special education class participates in vocational activities. While regular classes may have these programs twice a week, the special class participates once a week.

The State Department of Education mandates that all children participate in physical education classes. However, depending upon the policy of the individual school, special education classes are exempt from this mandate. Children labeled as retarded are viewed as being physically disabled as well. The State Department of Education does not require physically handicapped children to participate in physical education programs.

**The Segregation Process of Special Education**

Personal observations of elementary and intermediate schools in Boston and Springfield have indicated
that special education classes are physically isolated from the school population. Children are confined to one classroom with one teacher, regardless of the grade level.

In some Boston schools, the segregation policy extends to the lunch hour. Mid-day meals are scheduled forty minutes earlier or separate tables are assigned in the lunchroom for the class and its teacher.

Once the child is labeled "retarded," he is also often segregated by sex.21 This policy carries the archaic thinking that children who are mentally retarded possess enormous "sexual urges." Homogeneous grouping is the school's defense against such "drives."

The segregation process resulting from the enrollment into the special education class, heightens the child's negative feelings about himself. The child who is non-organically retarded and isolated from the school society, quickly realizes that he is considered different from his peers. Kenneth Clark observed:

Children themselves are not fooled by the various euphemisms educators use to disguise educational snobbery. From the earliest grades a child knows when he has been assigned to a level that is considered less than adequate. Whether letters, numbers, or dog or animal names are used to describe these groups, within days after these procedures are imposed, the children know exactly what they mean.

These children who are relegated to the inferior groups suffer a deep sense of self doubt and deep feelings of inferiority which stamp their entire attitude toward school and the learning process. . . they have a sense of personal humiliation and unworthiness.22

Roger Hurley concluded:

The grouping or tracking of children, a common practice in public schools, is a form of de facto segregation and evades the responsibility of teaching the poor. It is the poor child who is tracked and not the children from other socio-economic classes.23

Conclusion

The labeling process and segregation of special education classes has served to maintain the status quo of many special education youngsters. Furthermore, the absence of programs for all children with learning handicaps has created an exclusionary psychology by school departments.

The present special education policies in the State of Massachusetts has hindered concerned educators and parents from developing alternatives to these policies. Literature in the field has demonstrated that the child from the minority and lower socio-economic backgrounds has a greater chance of being labeled retarded than from

22Kenneth Clark, op. cit., 128.

23Roger Hurley, op. cit., 106.
other backgrounds. These children are only further stigmatized in these classes. Change becomes realization if parents and educators become partners in developing pressure organizations to alter the present status of special education within the Commonwealth of Massachusetts. In many cases, it has increased children's problems e.g., feelings of failure and inferiority.
CHAPTER III

THE LEGISLATIVE PROCESS AND THE COURTS

The passage of legislation is a slow process with a multitude of phases. Laws are passed to regulate behavior. State special education statutes generally regulate state, public, and private education policies and practices.

Legislation pertaining to the education and care of children with learning disabilities has been in state records since the mid-nineteenth century. These laws and statutes have been enacted on an individual basis in response to the discovery of each new impairment common to a number of children and adults.

The most visible disabilities received the earliest statutory recognition, e.g., deafness and blindness. Statutes for disability categories were enacted separately and each disability category, therefore, was separately analyzed as to its nature, the number of children it affected, the kinds of services (e.g., evaluation, tutoring, and institutionalization), necessary to remedy it, the cost of such services, and the ability of the state and/or local government to bear that cost.1

The first state legislation for the care and education of mentally retarded individuals was authorized by the Commonwealth of Massachusetts in 1848. The

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legislature funded an experimental school in Boston to train ten retarded youngsters for three years. By 1900, New York, Pennsylvania, Ohio, Connecticut, Kentucky, Rhode Island, and Illinois had established state schools for retarded citizens.

While these state schools were more custodial than educational, they represented an acknowledgement of state responsibility for the care and education of handicapped individuals. Generally, the state representatives believed that they were responsible to the citizenry of their communities to protect society from the contamination of physical or mental dysfunctions. The state schools were generally situated in secluded rural areas so that the majority of the state's populace need never confront a handicapped child or adult.

The first public special education class for the mentally retarded was established in Providence, Rhode Island in 1826. By 1922, there were 191 public school programs for children with varying handicapping conditions in cities with populations over 100,000. In 1920,


Massachusetts made it mandatory for public schools to provide educational services for the mentally retarded.

In the late 1920's, and early 1930's, many parents of the retarded formed groups and organizations. These organizations exerted pressure on institutions and state legislatures to make positive commitments to the education of their children.4

After World War II, a growing awareness on the part of American society regarding the plight of handicapped citizens developed. State governments increasingly passed legislation pertaining to education services for handicapped youngsters and adults. However, individual state laws vary in their substance concerning the education of individuals with learning disabilities. Generally, they are ambiguous as to who is defined as handicapped. They are also unclear in their wording regarding the educational services to which youngsters are entitled. An investigation of different state laws reveals the diverse standards used in the determination of who is handicapped as well as the educational services to which the handicapped are entitled.

1. New York State: Article 89, Section 4401, 1967
One who because of mental, physical, or emotional reasons cannot be educated in a regular class but can benefit by special services.

2. Commonwealth of Massachusetts, General Laws Chapter 71, Section 46, 1971

(a) Custodial shall mean retardation in development determined by evaluation to require residential day care for the major part of educational needs, whether temporarily or for long term, in an institution facility or program, public or private.

(b) Trainable shall mean retardation in development determined by evaluation to include at least temporarily, severe delay in readiness or capacity to learn academically, inability to benefit in a structured group setting of more than eight children, or delay in attaining physical and social independence and behavioral reliability appropriate to age norms.

(c) Educable shall mean retardation in development determined by evaluation less severe than custodial or trainable as in (a) or (b) and comprising the majority of children for whom educational services are to be provided under these regulations.

(d) The terms Custodial, Trainable, and Educable shall appear only in fiscal records.

3. California, House Bill 5901 (1967)

Mentally retarded minors means all minors who because of retarded intellectual development as determined by an individual psychological examination are incapable of being educated efficiently and profitably through ordinary classroom instruction.


Exceptional children are those who have emotional, physical, communicative, and/or intellectual deviations to the degree that there is interference with school achievements or adjustments, or the prevention of full academic attainment, and who require modifications or alterations
in their academic programs. This definition includes children who are mentally retarded, physically handicapped, speech handicapped, multiple handicapped, autistic, intellectually gifted, hearing impaired, visually handicapped, and other areas of exceptionality which may be identified.

A child shall be deemed educable if he possesses the potential to respond to and benefit from educational experiences in terms of such factors as social competence, emotional stability, self care, a degree of vocational competency or intellectual growth.

This survey of statutes and definitions clearly represents the varying consideration for certifying a child as having learning disabilities. The jargon of these definitions is a range of definitions to what constitutes a handicapped individual. Secondly, the diagnostic technique in this determination is questionable. Some states are only concerned with defining retardation; others, other disabilities. Georgia is notable exception in this area with its encompassing legislature definition of learning disabilities.

The limited understanding of school administrators regarding learning handicaps and diagnostic procedures, has not been helped by the ambiguous nature of state special education statutes. Recent litigation and their succeeding decisions have prompted school administrators to re-examine their special education definitions and provisions. The process of judicial review is being used to rectify the
injustices of special education services and is also causing school officials to examine more seriously their special education definitions, policies and practices.

**Court Decisions and Special Education**

Because of the inferior special education offerings in individual states, the misclassification of children as mentally retarded, the existing segregation practices, and the inability of schools to develop educational programs for all handicapped children, parent organizations established pressure groups in order to change the status of special education. Throughout the nation, these groups have brought cases before the courts in an attempt to improve special education services. The general feeling voiced by these organizations is that while states have laws pertaining to the education of the handicapped, the states are not meeting their obligations.

Several key cases protesting the labeling and segregation of children have been reviewed by state and federal courts. In 1967, in the case Hobson vs. Hansen, Judge Skelly Wright ruled that the tracking system of Washington, D.C. schools was illegal. Judge Wright declared that tracking was a violation of the equal protection clause.

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of the United States Constitution. He ordered the abolition of this policy in the Washington, D.C. school system. While this case aimed specifically at special education placement procedures, rather than tracking generally, it did become part of the informational framework for the review of special education placement procedures.

In 1969, the Third Judicial District Court of Utah ruled that two retarded children excluded from public education were not receiving their constitutional rights. Judge Wilkens, the presiding judge, stated:

Today, it is doubtful that any child may be reasonably expected to succeed in life if he is denied the right and opportunity of an education. In the instant case, the segregation of plaintiff children from the public school system has a detrimental effect upon the children as well as their parents. The impact is greater when it has the apparent sanction of the law. The policy of placing these children under the Department of Welfare and segregating them from the educational system can be and probably is usually interpreted as denoting their inferiority, unusualness, and incompetency. A sense of inferiority and not belonging affects the motivation of the child to learn. Segregation, even though perhaps well intentioned, under the apparent sanction of the law and state authority has a tendency to retard the educational, emotional, and mental development of children.6

A third significant case is Diana vs. California State Board of Education. This case challenged the legality of placement of children in classes for the mentally retarded based on I.Q. tests. The claim by the parents of nine Mexican-American children, ages eight to thirteen, was that I.Q. testing was biased in regards to their native language and native backgrounds. All of these youngsters had been placed in special education classes in Monterrey County, California. "Their I.Q.'s ranged from thirty (30) to seventy-two (72), with a mean score of sixty-three and one half (63.5)." These children were retested with the Spanish translation of the Wechsler I.Q. test. Seven of the nine children scored above seventy-nine (79) and could therefore no longer be considered retarded.

The plaintiffs charged that the testing procedures utilized for placement were prejudicial in that the tests place heavy emphasis on verbal skills requiring facility with the English language, the questions are culturally biased, and the tests were standardized on white, native born Americans.

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8 Frederick J. Weintraub, "Recent Influences of Law Regarding the Identification and Educational Placement of Children," Focus on Exceptional Children 4:2, April 1972, 1-12

9 Ibid.
In February, 1970, the court ordered that children must be tested in their native language, all non-native born Americans in special education programs must be retested and re-evaluated, and that the State of California must develop standardized I.Q. exams which are appropriate to all children's experiences.

In the decision of Diana vs. the State Board of Education, the court recognized the inequity of special education placement procedures by public school districts. Furthermore, it acknowledged the concern that I.Q. testing was unfair to minority and poor children in the United States.

The court opinions of these key decisions gave legal sanction to the growing belief that special education policies, segregation in state institutions, and exclusion from public education were in violation of children's rights.

These verdicts spurred on similar court actions in other states. In January, 1971, the Pennsylvania Association for Retarded Children brought suit against the Commonwealth of Pennsylvania. The trial was held in the United States District Court for the Eastern District of Pennsylvania. The litigation was directed against the Commonwealth, its agencies, and the public school districts for their failure to provide adequate and quality public education for handicapped children within the Commonwealth of Pennsylvania.
P.A.R.C. charged that mentally retarded children were being denied access to education in state institutions and public schools. The denial of such access was a direct violation of the fourteenth amendment of the United States Constitution under the equal protection clause.

The Council for Exceptional Children, as the nationwide organization of professionals in special education, had been working on the issue to educational opportunities for the handicapped for a long time. Information collected by the CEC over the years helped provide data base for the Pennsylvania case, and authorities recommended by the Council helped establish the principle of educability for all handicapped children.10

On October 7, 1971, the United States District Court ordered the Commonwealth of Pennsylvania to provide public education for all mentally retarded children including those residing in state institutions, within one year of the ruling.

The three judge court also enjoined the Commonwealth, the Secretary of the Department of Welfare and other defendants from the following negative actions, among others: (1) postponing, terminating, or denying any mentally retarded child access to a free public program of education and training; (2) denying tuition and maintenance to any mentally retarded child except on the same terms as applied to other exceptional children. (The intent of this second point

was to ensure that children identified as "retarded" would have the same opportunities and financial benefits as those called brain damaged.)

The substance of the four key court decisions discussed directed themselves to four major issues: the usage of intelligence testing as a criteria for placement of children into special education programs (state and public), the accountability of school districts and state agencies in evaluating the handicapped, the segregation process, and the grouping of children by ability and not needs. The opinions and rapid order in which those cases were decided represented the first important legal breakthrough in the vindication of the rights of the handicapped child.

The success of the Pennsylvania, Washington, D.C., Utah, and California cases instigated litigation on behalf of the mentally retarded in other states. In New York, Alabama, Tennessee, Georgia, Maine, South Carolina, Indiana, and Massachusetts, cases were filed and were pending by 1972.12

11 Ibid., 34.

To ward off these court actions, cities and states inaugurated legislation to reform the statutes regarding the education of the handicapped.

In Rhode Island, the legislature enacted a bill extending mandatory public education to severely and profoundly retarded children, effective July 1, 1972.13

In New York City, the Board of Education's Bureau for Children with Retarded Mental Development, undertook to provide speech therapy, psychological services, and social services to its 85,000 "educably retarded" children.14 The legislature of the Commonwealth of Massachusetts in 1971 began to re-examine its special education statutes. On July 17, 1972, Governor Francis Sargent signed into law Chapter 766, the reform legislation pertaining to the education of children With Special Needs (See Chapter IV).

Conclusions

As stated at the onset of this chapter, laws have been passed to regulate behavior. In the instance of

13I. Ignacy Goldberg, Leopold Lippmann, op. cit., 54.

14Such action was decided in 1971-1972. As of this writing, the BCRCMG has only made a token move in this direction. The City of New York has only 141 certified psychologists working for the Board of Education. Additional staff has not been hired.
statutes pertaining to the education of the handicapped, the legal system originally forced educators to develop a system of educating children with learning disabilities. Judicial review is being used to rectify the injustices of that system.

The major question to be answered centers around whether or not the legal system can mandate the reforms it seeks. If decisions of the courts and the succeeding legislation is unclear, the probability exists that school districts will use this as an excuse to maintain the status quo of special education. Given this probability, the continued role of special education consumer groups and concerned citizenry to effect change becomes more important.
CHAPTER 766 OF THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS

Chapter II detailed the conditions of special education in the Commonwealth of Massachusetts. Chapter III surveyed recent court actions and legislation regarding special education policies by individual states. The court action, coupled with pressure by parent advocacy groups, contributed to the momentum of a right to education movement for handicapped children in the Commonwealth of Massachusetts.

The Commonwealth of Massachusetts, facing a probable court action by special education consumer groups, coordinated a legislative reform bill that came to be known as Chapter 766. Succinctly, Chapter 766 nullifies previous special education provisions in the Commonwealth of Massachusetts. The law has five major foci: provide public education programs for all handicapped children; take census and re-evaluate all children in public school special education classes; remove the non-organically retarded child from these classes and re-integrate him into a regular class; permit educably retarded children in state institutions for...
access to public school special education programs, and redefine the present evaluation and placement process through the formation of a Core Evaluation Team which would construct a needs assessment for pupil placement.

The objective of this chapter will be to examine the historical development of Chapter 766. This examination will include considerations of protests against the legislation, provisions of the law, and the development of regulations for the implementation of the law.

Historical Development

The initial impetus for reforming special education legislation in Massachusetts emanated from parent groups dedicated to their own special education interests. The organizations had the valid argument that public schools throughout the state were not meeting their responsibilities in educating youngsters with learning disabilities. As discussed in Chapter I, these children have four alternatives available to them: stay at home, attend private schools in and outside of the state, or receive education in residential state institutions or public school special education programs.

The private school placement procedure created several problems. There are long waiting lists for admission into these programs. In addition, parents who are
informed that the local public school cannot admit their child, must search for a private school that can deliver the necessary services. It is also costly for the state to support these private programs. The process of sending the child to the private school creates an institutionalization of the child by virtue of the segregation process. Finally, minority group children generally have been denied admission to these schools and therefore attend a public school special education program that may not be structured to their needs, or stay home from school without the benefit of any education.

State institutions for the handicapped are crowded with children and adults with diverse disabilities. It is difficult for the state institution to educate and care for children with different learning dysfunctions. There are many children in these institutions who are borderline retarded or disabled. The feeling of parents is that it is the right of these children to be returned to the home and benefit from public school special education services.

Public school special education programs (See Chapter II) have clearly failed in providing educational avenues for the handicapped child. These programs are not broad enough in scope to educate children with diverse learning disabilities. Furthermore, programs for the
educably retarded are filled with children who do not possess an organic learning disability. In many instances, public school special education programs have become "dumping grounds" for children whose learning needs have been misclassified by school officials.

Therefore, special education consumer groups had three basic aims: (1) to change the offerings of educational opportunities for handicapped children; (2) to develop public school special education programs which would benefit each of their special interest concerns; and (3) to exert pressure for legislation which would eliminate the system of labeling children with real or assumed learning disabilities and create an objective method of evaluation and placement.

Support for the aims of the consumer groups in the legislature was mixed. According to Representative Michael Daly of Boston, "The fear of the legislature in 1971 was that if they didn't act affirmatively, the next step would be a court action by the parents." Daly further stated that the Massachusetts Association for Retarded Children had informed Governor Francis Sargent and the state legislature that court action was in the process of being filed.

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2 Interview with Representative Michael Daly, 19 November, 1973.
Representative Michael Daly and House Speaker David Bartley (Democrat, Holyoke) were the co-sponsors of the proposed legislation. If the bill was to be effective, it had to be accepted by concerned special education consumer groups. To insure such acceptance, Bartley and Daly held meetings with representatives of all the major special education organizations. A large number of groups participated in these meetings, including the following:

- Massachusetts Association for Retarded Children
- Massachusetts Association for Paraplegics
- Massachusetts Children's Lobby
- Massachusetts Congress of Parents and Teachers
- Massachusetts Council for Organizations for the Handicapped
- Massachusetts Parents Association for the Deaf
- Massachusetts Teachers Association
- Muscular Dystrophy Associations of America—Greater Boston Chapter
- National Association for Brain Injured Children
- National Society for Autistic Children
- Task Force on Children Out of School
- Task Force for the Handicapped
- United Cerebral Palsy Association for Greater Boston

Representatives of these groups met to form what eventually became the Coalition for Special Education.

It was the first time in the history of Massachusetts that special education consumer groups were assisting legislative policy planners in developing a legislative reform package. The primary goal of these consumers was
"to develop a comprehensive act giving local boards both the responsibility and financial assistance to serve all handicapped children." 3

Protests Against the Legislation

There was a series of drafting meetings that involved more than thirty special education groups. The major theme of these sessions was to remove the child from the state institution to provide him with the best educational possibilities. It was concluded that the Department of Human Services had failed in its responsibility to provide education in state institutions for the mentally retarded. The Coalition for Special Education suggested that the Department of Education should oversee this task. The Department of Human Services was opposed to this suggestion. They felt that the Department of Education was not equipped with the personnel or expertise to educate children in state institutions. Furthermore, the mechanics of such a transference would be costly and time consuming. The result would be that children would be without educational services until the transition was completed.

The view expounded by special education consumer groups agreed with the conclusions of the reports. Suffe

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3Interview with Ms. Peggy Maxwell, Research Assistant to House Speaker David Bartley, 13 November, 1973.
the Children (1971) and the Massachusetts Study of Educational Opportunities for Handicapped and Disadvantaged Children (Blatt, 1971), which factually supported the position of the Coalition for Special Education, that the Department of Human Services was not delivering the required educational services. The Department of Human Services believed in the intent of the proposed reform package, though they did not welcome the possibility of another state agency ingressing into their domain in coordinating educational programs. However, according to House Speaker David Bartley, "...if they had done a better job in the past, this need would have never arisen."^{4}

The primary opposition to the reform legislation came from the individuals who operate the private schools for the handicapped. Private schools stood the chance of losing state funding if public schools established comprehensive special education programs. Some parents with children in these private schools also opposed the legislation. They feared that their children would be forced to leave the private institution and be placed into the public school. Their concern was that the public school might not be able to educate their children as

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effectively as the private institutions. The group of parents, most vocal, leading this opposition were the parents of deaf children.

An additional group of opponents were school superintendents and school committees. They believed that their school departments could not facilitate the eventual provisions of the law. Some educators saw the legislation as a threat instead of an enabling package to assist their schools in developing programs and procedures that would benefit all children within their communities.

The Boston School Department viewed the bill to be anti-urban because it is difficult to effect change in a school system with over 2,000 handicapped children. In a letter by Vincent P. Connors, Director of Special Education for the Boston School Committee, to Representative Michael Daly, Mr. Connors stated:

I believe that all legislation is being written against Boston by people who are against Boston or want a piece of the action. Small cities or towns with 10, 20, 30 children can implement anything. However, with 2,000 or more children, it is a bit more difficult.5

Other school systems supported the intent of the

legislation but had reservations concerning the funding of special education programs. In a letter to State Senator Mary Fonseca, Chairperson of the Joint Legislative Committee on Education, the supervisor of Special Education from the Fall River School Department wrote:

For the past three years, the special education staff has worked arduously to develop a multi level program for deaf children. Since we have a large number of children enrolled in this program, our needs are many and varied. We have been able to meet some of them through Title IV, ESEA funds, but the very large proportion of expenses is drawn from our local resources. If this reserve of funds could be realized as this legislation suggests, we could also realize a great assistance in planning and programming our entire deaf education program.6

In the same vein, James G. Clancey, Coordinator of Special Education for the Stoughton School Department wrote:

The parents have the right to select, without any regulation, where a child will go to school. I believe it is the right of the parent to do so, but I do not believe that a school department with comparable or better educational experiences for that child should have to pay any part of the bill.7

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6 Letter to State Senator Mary Fonseca, Chairperson of the Joint Legislative Committee on Education, from the Supervisor of Special Education from the Fall River School Department. 28 February, 1972.

Generally, large public school districts were not in favor of the reform package. Their position was that special education reform was not financially feasible. The idea of sending handicapped children to private schools provided a more attractive alternative than expanding existing community based education programs. School committees also feared that their institutions would be faced with demands for large special education programs. As a strategy, they contended that the proposed legislation was delusionary for the parents of handicapped children. They argued that the scope of the legislation demanded broad and impossible programmatic reforms, and that school systems could neither afford nor adequately staff these programs. Thus the legislation would not benefit children with learning handicaps.

Opponents of the Bartley-Daly Act searched for arguments that would not make them appear to be against children with "special needs," and they settled on the criticism that the bill raised false hopes for such children.⁸

The legislative committee and the Coalition for Special Education negotiated with the opponents of the legislation. As a compromise, the legislative committee decided that, if a public school could not offer the

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necessary special education services, the private institution will continue to operate with state funding.

**House Bill 283**

The bill initially drafted in December, 1971, took eight months to write. All special interest groups were invited to the State House to read the first draft and offer suggestions. The original draft was titled House Bill 265. House Bill 283 proposed that every child, including those with learning dysfunctions, was entitled to a quality education, and that the process for identifying children with special needs should be based on specific, treatment-oriented diagnoses. In addition, the process of providing special education services was to be based on a specification of the special education program designed to the child’s individual needs as diagnosed.

The bill further provided for a periodic re-evaluation of both the child and the special education program. "Only by such a process can the promise of special education mean a benefit for the child and not a stigmatizing label." The bill postulated that special education services should be provided in the community where the child's parent or guardian resided. The Department of

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9*Commonwealth of Massachusetts, House Bill 283, Abstract, 1972.*
Education should monitor all special education programs and the placement of children. In addition, the Department of Education was to establish regions to match mental health zones. This was suggested in order to coordinate the actions of the various state agencies and to provide support services to local school districts, families, and the community based treatment centers.

In answer to the funding question, House Bill 235 proposed that the legislature pay for the costs of special education beyond the average per pupil cost. However, it required that the local school district bear the average per pupil cost for all children, including those with special needs. To regulate special education programs, House Bill 283 provided for the establishment of regional advisory committees. The membership of these committees was to be made up of parents of children receiving special education services. The advisory committee's primary responsibility was to monitor the effectiveness of the special education programs and the fairness of their assessment of students.

Finally, House Bill 283 proposed an assessment team made up of qualified persons to evaluate and describe specifically the child's needs and the appropriate special education program prior to placement. This assessment team was to involve parents in the evaluation. If a dispute
arose concerning the diagnosis, the parent had the right to appeal to the Department of Education and then to the courts to resolve any controversies or disputes.

Early in 1972, Governor Francis Sargent proposed his own legislative package pertaining to the education of children with special needs. The Governor stated:

Society has failed in its responsibility to protect the development of its most precious natural resource, its children. We live in an age when millions are spent on armaments, when powerful and well financed interest groups lobby for everything from utility rate increases to nursing home profits, and when governments have special departments to serve big business and big labor. Yet, children have no representatives in government, no advocates for their interests.10

Sargent's bill was entitled, "An Act Providing A Comprehensive Revision of the Laws Relating to Special Education." Resembling House Bill 283, it placed the primary responsibility for educating all children with special needs on the local school district. He, too, suggested full state reimbursement to school systems of 100% above the per pupil expenditure for the costs of special education within the school system. However, the Governor proposed that a ceiling be created to assure that funding be equalized to prevent wealthy communities

10 Governor Francis Sargent, Address to the Massachusetts Legislature, January, 1972.
from benefiting from expensive programs. In agreement with House Bill 283, Sargent suggested the elimination of labels such as "retarded," "developmentally disabled," "disturbed," etc. He based his recommendation on the premise that labels tend to stigmatize the child. In place of labels, a single category was proposed: "Children With Special Needs." The Governor's proposed bill also created strong parent participation councils, provided for reorganization and the regionalization of the Department of Special Education, and suggested that the Department of Special Education co-ordinate programs at state institutions.

The legislative committee, the Governor's staff, and the Coalition for Special Education redrafted a new bill to incorporate aspects of Sargent's bill and recommendations suggested by special education consumer groups. The bill underwent four additional drafts as it proceeded through the legislative process. There was reluctance by some legislators to support massive institutional reform. Those representatives adverse to the proposed legislation voiced similar fears as school committees—that the bill represented a deception to the parents of handicapped children. However, the Coalition for Special Education (the parents of children with learning disabilities) represented a powerful pressure group. Through a well organized campaign, the Coalition deluged members of the
legislature with letters and telegrams to vote in favor of the reform special education package. Dissenting state representatives found themselves in the uncomfortable position of appearing to be spurning handicapped children. For a professional politician, such a stance is very likely to be non-political.

The bill, entitled "Chapter 766, An Act Revising the Laws Relative to Children Who Require Special Education and Providing Reimbursement Thereof," passed both houses of the legislature without debate. On July 17, 1972, Governor Francis Sargent signed the bill into law. In content, the bill is constructed on the themes that were suggested in previous court decisions relative to special education reform (See Chapter III). Most notable of these was the Pennsylvania decision. Chapter 766 was, in part, a response to the confusion of special education statutes in the Massachusetts laws and the subsequent ineffectiveness of public school special education programs.

Chapter 766 was drafted with the idea that the established institution of public education presented a less threatening atmosphere for providing a multitude of special education programs. While it was recognized that the public schools were not delivering quality special education services, 766 creates a financial impetus for developing more effective special education programs. In addition,
Chapter 766 is formulated on the philosophy that labels tend to stigmatize, and that educational programs should be established based on the child's needs and not his presumed deviancy. The bill eliminates the use of several labels and replaces these handicap indicates with one category--"Children With Special Needs." The intent was to create a classification broad enough in definition to address the entire spectrum of learning disabilities. The philosophy behind Chapter 766 was to create public school programs with greater equity for the handicapped child. School districts are to begin implementation of the law on September 1, 1970.

PROVISIONS OF CHAPTER 766

As previously stated, Chapter 766 has only one category for all children with learning disabilities--"Children With Special Needs." The diagnosis and distinction of the learning dysfunction is the responsibility of the local school department and the State Department of Education. The classification "Children With Special Needs" is broadly defined:

Any child from ages three to twenty-one without a high school diploma, who because of difficulties arising from intellectual, sensory, emotional, or physical factors, cerebral dysfunctions, perceptual factors or other specific learning disabilities, or any combination is unable to progress effectively in a regular school program.
and therefore requires special education services.\(^{11}\)

The responsibility for these programs rests with the local school system. Each child is to receive a thorough evaluation before placement. The legislation suggests that evaluation be made by a Core Evaluation Team consisting of a physician, psychologist, social worker, a representative of the school department, and the parent, where possible. An earlier draft of the legislation required parent participation. Chapter 766 is less rigid in this requirement, suggesting parent participation where possible.

On the basis of the core evaluation, the Team is to prescribe a special education program designed to meet the needs of the child. The evaluation must include the following: an assessment of the current educational status of the child by the local school; an assessment by the classroom teacher who has worked with the child; a medical examination; a psychological assessment; an investigation of the child's home situation by a social worker, nurse or guidance counselor; and assessments by any of the following deemed necessary—a neurologist, audiologist, speech therapist, ophthalmologist, a specialist in perceptual factors, or a psychiatrist.

\(^{11}\)Commonwealth of Massachusetts, Chapter 76F, 713, Section 1 (1972).
The evaluation of a student in a regular class may be requested by the parent, school official, social worker, or family physician. Within five days of such a request, a written notice in the native language of the parent must be sent informing him of the evaluation and the diagnostic procedure which will be utilized. The evaluation must be provided within thirty days of the notice. It is the right of the parent to question the evaluation and the suggested special education program. They may request a second evaluation. However, the parent may not make this request until thirty days after the child has been situated into the prescribed special education class. After the thirty day waiting period, the parent may obtain, at state expense, an independent evaluation at a state approved clinic. If the parent is still uncertain as to the findings of the second evaluation, he may request a hearing by the State Department of Education. At the conclusion of the hearing, the parent may still reject the proposed special education program and choose regular class placement. The child is to be returned to the regular classroom.

However, if the local school committee determines that regular class placement would jeopardize the health or safety of the child, the decision will be brought before the Superior Court for final dispensation. Clearly, the "safety valve" for regular class placement lies within the
forementioned provision. The ultimate authority for placement is with the local school department. The disenfran-
chized parent can either accept the assessment of the Core Evaluation Team and the State Department of Education, or
have the matter settled in the courts. During this process, the child is to remain in school. This practice of
evaluation and parental appeal provides a more viable practice to past procedures.

Once the Core Evaluation Team has suggested a program, the local school department has three alternatives: to provide the program, enter into a regional program, or contract an outside agency to provide the required educational services. It is the obligation of the State Department of Education to assist local school committees with personnel and resources for special education programs. Dr. Joseph Rice, Director of the Department of Special Education of the State Department of Education, is presently reorganizing the bureau regionally to meet this need.

The Advisory Councils

According to the law, special education programs are to be evaluated yearly to determine if the prescribed program is benefiting the child. The programs are to be evaluated by a sixteen member regional advisory council. Members of the Advisory Council are appointed by the State
Department of Special Education with the approval of the regional branch of the Department of Special Education. The law states that at least eight members of the Advisory Council are to be parents of children receiving public school special education services within the region. Of these eight, no more than two parents can have children in non-public school special education programs. Membership on the Advisory Council is for three years. No member of the Advisory Council can be appointed for more than two consecutive terms.

The primary task of the Advisory Council is to monitor all special education programs within their regional jurisdiction. They are to submit annual written reports on the quality and adequacy of the programs to the State Advisory Commission of the Department of Education. By law, the Councils have the right of full access to all schools and classes within the regional school districts they service. Within their guidelines they are to make recommendations to the Massachusetts Department of Education to withhold funding if the public school is failing to provide quality programs for all children with special needs. In part, the success or failure of 766 lies with the ability of the regional Advisory Councils to monitor school programs.
The Reimbursement Provisions

The 766 legislation revises the reimbursement process of state funding to local school districts. Prior to the 766 law, the reimbursement procedure was to direct state payments for education to the general fund of a city or town. The town treasurer would then filter the reimbursed education funds to the school department. A Springfield, Massachusetts school committee member stated:

A common practice by the Springfield City Council was not to transfer funds from the budget which were originally reimbursed for school department needs. Sometimes it took a year or more before we received our money.\footnote{12}

The 766 legislation provides that the Commonwealth of Massachusetts will reimburse cities and towns 100% of the excess costs incurred by developing new special education programs for children with special needs. This includes costs of instruction, training personnel, materials, tuition, transportation, rent, and consulting services. For example, if a city spends $800.00 per pupil for a regular program and $2,000.00 per pupil for a special education program, the state will reimburse the city for 100% of the excess, or $1,200.00. A ceiling has been established in the law regarding the reimbursement

\footnote{12}Interview with Maureen Wauk, Springfield School Committee Member, 15 February, 1974.
procedures. This is to prevent the formula from discriminating against poor rural and urban communities. No city or town may receive more than 110% of the State average for the excess costs of a similar program.

Furthermore, the reimbursement system has been simplified by providing payments directly to the local school committees. The reform of the reimbursement practice through the provision of Section 3 of 766 safeguards against school funds being used for other purposes in Massachusetts communities. The burden is on the school committee to make certain that these reimbursed monies are spent on special education, rather than on programs for children in regular classes.

During the first year of implementation (1974-1975), the local school districts must allocate the needed funds for special education programs from their own resources. They will be reimbursed for the first year of implementation at the end of the fiscal 1975 year and each September thereafter.

**REGULATIONS OF CHAPTER 766**

Effective legislation involves a three-fold process: (1) drafting the legislation; (2) writing of regulations which serve as guidelines of the law for implementation; and (3) implementing the law. Phase one
of this process has been reviewed earlier in this chapter.

Phase two involves writing the regulations which are
established after the legislation becomes law. Regulations
which are not adequately defined or are overdefined can
strangle the intent of the law.

At present, Chapter 766 is in the regulatory
stage. In the drafting of regulations for 766, several
areas are considered: identification of "who" requires
special education services; screening of potential special
education recipients; evaluation of special education
programs and recipients; and recommendations for implemen-
tation. In January, 1973, the State Division of Special
Education appointed a sub-committee to draft the regulations
for the 766 law. The sub-committee was broadly composed of
special education consumers at several levels: parents,
teachers, school administrators, professional auxiliaries,
and staff persons of the Education, Mental Health and
Public Health Departments. Dr. William E. Fitzgerald was
appointed chairman of the sub-committee. On June 15, 1973,
the committee issued a draft of recommended regulations for
the law.

The Departments of Mental Health and Public health
claimed that they had no input into the draft which the
sub-committee had written. In addition, the Massachusetts
Association for Retarded Children claimed that they were
not represented in the sub-committee meetings. Because of these allegations, neither the Department of Mental Health nor the Department of Public Health would sign the report.

In September, 1973, Dr. Joseph Rice, Director of the Division of Special Education, and Dr. Peter Goldmark, Director of Human Services, disbanded the Fitzgerald committee and appointed a new one. This new committee was under the directorship of Dr. Robert Audette, formerly Assistant Superintendent of the Fernald State School for the Retarded. Dr. Audette found himself in a situation of political chaos. The Departments of Mental Health and Public Health refused to participate in the new committee. They claimed that they were never consulted in the planning of the legislation and therefore, the entire responsibility should be left to the State Department of Education.

Public school committees wanted a postponement of the drafting of the regulations. School committees felt that the law was written by parents who wanted to disband special education programs entirely and reintegrate the child with special needs into the regular classroom. This view represents a misinterpretation of the true intent of the law.

Dr. Rice and Dr. Audette met to discuss the 766 with school committee members, teachers, and administrators in late September, 1973. However, the school superintendents
boycotted the meeting. Their primary complaint was the role of the Advisory Councils in their school systems. They objected to the concept of giving "non-educators" the task of evaluating special education programs, a feeling that symbolizes the antiquated idea that the school is autonomous of the community. In addition, school superintendents and officials are opposed to paying the entire costs for new special education programs during the first of implementation. The administrators claim that the state legislature will never allocate funds sufficient for the creation of new programs. Their argument is valid since the legislature has only appropriated three million dollars for the implementation of Chapter 766.

In an interview with the **Springfield Daily News**, 13 House Speaker David Bartley said that he would request from the Joint Ways and Means Committee approximately $15 million in new money plus the $5 million already recommended by Governor Francis Sargent to reimburse the state's 351 cities and towns for programs complying with the law. This amount of money is not sufficient for schools to implement the law. It is estimated that it will cost $160 million for the first year of implementation for all Commonwealth public

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schools. This money has not been allocated in the legislative budget for the next fiscal year. "Existing programs for special education are covered by $60 million in the budget." 14

On October 19, 1973, the State Department of Education distributed the first set of guidelines to public school officials. These officials never responded to the guidelines. Instead, school administrators and private school owners created their own coalition in an attempt to halt or slow down the process of implementing 766. Each of these groups has its own concerns regarding 766. In part, private schools were being funded by the state to facilitate special education programs. They are fearful of being forced out of business because of the 766 law.

Public school officials and private school operators formed a tacit coalition to circumvent implementing 766 by generating information aimed at causing parents of both normal as well as children with special needs to oppose the law. They contended that the public school could never establish quality programs for children with learning disabilities. According to Dr. Audette:

I find myself cast into a role of defending 766 by telling parents to develop a positive relationship with school systems. It is my contention that parents of the handicapped

14 Ibid., 70.
child should get involved with the first evaluation. Then they can judge the law and the public school system. 15

In addition, this coalition encouraged parents of children in regular classes to believe that mentally retarded or emotionally disturbed children would be placed full time into regular class programs. It is their real or assumed belief that special education programs will be disbanded. In the 766 law, there is no provision which substantiates that impression. However, the law does provide against prior discriminatory practices of special education programs. It states:

Within any school district, if in any special education program there is a pattern of assignment throughout the district on the basis of sex, national origin, economic status, race or religion of the students which is disproportionate from the distribution, the department shall notify such school district its prima facie denial of equal educational opportunities. The department shall hold public hearings to investigate into such prima facie denial, at which hearing the school district must show that such disproportion is necessary to promote a compelling educational interest of the children affected and the commonwealth. 16


16 Commonwealth of Massachusetts, Chapter 765, 718, Section 6 (1972).
This provision acts as a safeguard against placing non-organically retarded children into special education programs. As detailed in Chapter II, non-organically retarded children comprise the largest population in these programs. Public schools must re-evaluate all children presently enrolled in special programs. If the child is not diagnosed organically retarded, he must be resituated into a regular class.

Public schools are asking for a two year waiver to implement 766. The coalition of private schools and public schools has, in effect, delayed the completion of the 766 regulations by their refusal to attend meetings and offer suggestions on these guidelines. According to the demands of public school administrators, House Speaker David Bartley is filing late legislation to create a waiver system of up to two years for implementing programs and evaluation. While the coalition of public and private school officials were working to circumvent implementation of 766, the writing of regulations continued at the statewide level. In addition to Dr. Audette's state education sub-committee, the Massachusetts Association for Retarded Children and the Institute for Governmental Services, University of Massachusetts, Amherst, submitted proposals.

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17 David Bartley. Address before the 11th Annual Legislative Conference of the Massachusetts Association for Mental Health, 5 February, 1974.
for regulations and implementation.

On December 7, 1973, the Division of Special Education, State Department of Education, issued a preliminary draft of regulations. This draft was distributed to the following state departments: Department of Mental Health, Department of Public Health, Department of Public Welfare and Youth Services, and the State Special Education Advisory Council.

The preliminary draft was divided into eleven chapters. The following areas to be reviewed are:

(1) definition of terms
(2) identification, census, referral, and evaluation
(3) appeal procedures
(4) programs
(5) services for pre-kindergarten children
(6) institutional school departments
(7) private schools
(8) transportation
(9) special education professional standards
(10) regional Advisory Councils and the State Advisory Commission
(11) maintenance of student records

After review by state departments and consumer groups, the regulations were returned with recommendations for re-drafting. On January 25, 1974, a third draft was released by the State Department of Education. These regulations define the qualities of educational services
that 766 mandates. At a public hearing on the regulations, school administrators and special education consumer groups lauded the intent of the 766 legislation.

However, several concerns still plagued school committees and parents. These included: funding, the date of implementation, and the possibilities of the development of a large bureaucratic structure to govern 766.

According to Dr. Angrig, Commissioner of Education for the Commonwealth of Massachusetts, financing for 766 will come out of Chapter 70 funds (a school distribution fund established in 1970). On the basis of this, one administrator argued that the reimbursement process is a sham. Schools would have received funds from Chapter 70 whether or not they developed special education programs. This argument is valid. Originally, the state legislature was to appropriate new funds specifically for 766. Due to the lack of adequate state monies, the state proposes to use funds allocated to school districts since 1970. Regarding the implementation date, school administrators believe

18 Public Hearing on 766 regulations, Springfield Municipal Auditorium, Springfield, Massachusetts, March 5, 1974.

that it is impossible to develop quality programs by September 1, 1974. Instead, they have suggested a "phasing in" period for implementation. According to some administrators, "The writers of 766 have a limited knowledge of public school problems concerning the development of new programs."

Dr. Joseph Rice, Director of the State Department of Special Education, stated that the first year of the law is for evaluating children and recruiting new students into programs. The second year will be devoted to developing new programs. In other words, school districts will have an additional year to implement 766. In giving in to the pressure of school committees, Dr. Rice is an accessory to strangling the potential significance of Chapter 766.

The regulations are again in committee for revision. The final regulations should have been made public by June, 1974. It is suggested that regulations be adopted a minimum of six months prior to the date of implementation if they are to be effective. Schools require

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21 Dr. Joseph Rice, Director of the State Department of Special Education, Minutes from Public Hearing on 766 regulations, Springfield Municipal Auditorium, Springfield, Massachusetts, March 5, 1974.
extensive time to develop new special education programs. In addition, the re-evaluation process will be lengthy if done correctly. School districts must hire additional guidance counselors, speech therapists, social workers, teachers, and other personnel to make 766 a reality.

During the bureaucratic phase of establishing special education programs, the public should be informed of the special education services available within their communities.

Conclusions

This chapter has attempted to develop an historical perspective of the 766 law. Throughout the past year of researching the law, it has been discovered that the law, its provisions, and suggested regulations have been negatively viewed by many school administrators.

Thus far, adversaries of the 766 law have successfully delayed implementation. The Commonwealth of Massachusetts has aided in this delay in its failure to allot the necessary monies for implementation. The losers in this failure are the children.
CHAPTER V

A SURVEY OF THE IMPACT OF BILL 766 ON SCHOOLS IN THE COMMONWEALTH OF MASSACHUSETTS

This chapter presents the Center for Urban Education's "Survey of the Impact of Bill 766 on the Schools in the Commonwealth of Massachusetts," (hereafter referred to as the "Survey"). The rationale for the Survey was to ascertain a preliminary understanding of how and when school districts will implement the 766 law. Chapter V consists of three parts. The first part of this chapter presents the rationale for the survey. The second part describes the design of the Survey, including its structure, responses and scoring. Finally, part three reports the data derived from an analysis of the responses to the Survey.

Rationale

During the twelve months researching Chapter 766, it became evident through personal interviews and newspaper accounts that public school officials viewed the law apprehensively. It could be theorized that the portent of this apprehension had its root in the basic understanding of the law and its provisions. Since implementation has been scheduled for September 1, 1974, the Center for Urban Education, University of Massachusetts, Amherst, developed
the Survey to measure and compare the impact of Chapter 766 on urban, suburban, and rural school systems in Massachusetts.

The Survey has four major foci: (1) To determine what public school programs were offered for handicapped children in the past; (2) To ascertain how many school districts will implement 766 in its entirety by September 1, 1974; (3) To determine the level of understanding of school officials regarding the law and its provisions; and (4) To ascertain the attitudinal perceptions of these officials to the key provisions of Chapter 766.

Design

The Survey (See Appendix B) is a twenty-nine item standardized questionnaire. Scoring was computed on relative percentage scales. The items selected for the Survey reflected the concerns held in common by urban, suburban, and rural school systems in Massachusetts. Content validity of the questionnaire was established through formal and informal conferences of judgements from students and faculty at the Center for Urban Education, University of Massachusetts, Amherst. Further discussions were held with special education specialists at Monson State Hospital, Palmer, Massachusetts, regarding the appropriateness of the items in the Survey. Through this process, an original
construct of approximately forty questions was reduced to twenty-nine; in addition, a number of items were rewritten to conform to faculty and colleague judgements.

The Survey was distributed to two hundred school systems throughout the Commonwealth of Massachusetts. All but three of these systems deliver some form of special education services. One hundred and thirty-five surveys (67.5%) were returned to the research center. The distribution of the respondents are as follows:

- Urban = 20
- Suburban = 85
- Rural = 30

Analysis of Data

This section reports data received from the Survey distributed to the respondent urban, suburban, and rural school policy makers. In this section, the data are reported under sub-sections representing the three groupings of school districts by population. Incorporated into the report will be: background data on the school systems and their respondents; analysis of past special education services; perceptions on the future of special education, and an attitudinal assessment of the respondents' perceptions regarding the five major features of Chapter 766.

In Table I the percentage of urban, suburban, and rural school districts responding to the twenty-nine
item questionnaire is reported. Relative frequency scales were chosen to summarize the specific data under the subsections of school districts: urban, suburban, and rural.

Table II, the descriptive statistical analysis of selected questions in each of the school districts, is reported. These selected items were concerned with budget, personnel, membership and numbers of Core Evaluation Teams each school district anticipates employing.

Table III reports the percentage of administrators' responses to the attitudinal items in the Survey. The respondents had five options for each question: S.D. - Strongly Disagree; D. - Disagree; N. - Neutral; A. - Agree; and S.A. - Strongly Agree.

RESPONSES FROM THE SURVEY

Report of Background Data

The first ten questions on the Survey were designed to provide background information on the respondents and their school districts. The results indicated that urban school systems comprise five percent of all the school districts sampled in the State of Massachusetts. Suburban districts are sixty-three percent and rural represent twenty-two percent of the total sample. In suburban and rural districts a higher percentage of respondents were school superintendents while in urban
locales, a greater percentage of administrators of special education answered the questionnaire.
**Table 1**

Percentage of Respondents in Urban, Suburban or Rural School Districts Regarding the 768 Questionnaire

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>LOCATION OF SCHOOLS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban N=20</td>
</tr>
</tbody>
</table>
| 1. In which area is your school district?  
(Check one)  
A. Urban         | 100        | 100        | 100        | 33         |
| B. Suburban     |            |            |            | 33         |
| C. Rural        |            |            |            | 33         |
| 2. What is your position in the school system?  
1. Superintendent | 25         | 40         | 47         | 39         |
| 2. Assistant Superintendent | 5          | 11         | 17         | 11         |
| 3. Director of Pupil Personnel | 45         | 39         | 12         | 34         |
| 4. Principal    | 5          | 0          | 7          | 2          |
| 5. Guidance Counselor | 0          | 4          | 13         | 3          |
| 6. Miscellaneous| 20         | 7          | 5          | 6          |
| 5. To what extent are you familiar with the features and regulations of Bill 768?  
(Check one)  
A. Not at all     | 0          | 1          | 3          | 2          |
| B. To a limited extent | 5         | 13         | 33         | 16         |
| C. To a great extent | 95        | 86         | 65         | 82         |

*Percentages are rounded off for computation
TABLE I

*Percentage of Respondents in Urban, Suburban or Rural School Districts Regarding the 766 Questionnaire

<table>
<thead>
<tr>
<th>N=135</th>
<th>LOCATION OF SCHOOLS</th>
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<tr>
<td></td>
<td>Urban N=20</td>
</tr>
<tr>
<td>QUESTION</td>
<td></td>
</tr>
<tr>
<td>5. Overall, what is your attitude towards Bill 766? (Check one)</td>
<td></td>
</tr>
<tr>
<td>A. Totally favor</td>
<td>50</td>
</tr>
<tr>
<td>B. Partially favor</td>
<td>45</td>
</tr>
<tr>
<td>C. Oppose</td>
<td>5</td>
</tr>
<tr>
<td>D. Not familiar</td>
<td>0</td>
</tr>
</tbody>
</table>

7. What type of Special Education programs does your school system presently employ? (Check all that apply)

| (Check all that apply) | | | | |
| A. Programs for the physically handicapped | 60 | 47 | 40 | 47 |
| B. Programs for the perceptually handicapped | 85 | 99 | 93 | 90 |
| C. Programs for the deaf | 60 | 20 | 13 | 24 |
| D. Programs for the emotionally disturbed | 85 | 80 | 66 | 75 |
| E. Programs for the blind | 80 | 20 | 7 | 25 |
| F. Does not apply | 10 | 2 | 7 | 4 |

*Percentages are rounded off for computation
<table>
<thead>
<tr>
<th>QUESTION</th>
<th>Urban N=20</th>
<th>Suburban N=85</th>
<th>Rural N=30</th>
<th>Total N=135</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. What means are being employed by your township to allot necessary money for implementation of 766? (Check all that apply)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Local taxes</td>
<td>95</td>
<td>98</td>
<td>97</td>
<td>97</td>
</tr>
<tr>
<td>B. State Subsidies</td>
<td>35</td>
<td>34</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>C. Municipal bonds</td>
<td>0</td>
<td>2</td>
<td>100</td>
<td>2</td>
</tr>
<tr>
<td>D. Other (please specify)</td>
<td>15</td>
<td>11</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

13. What criteria were used in the past to determine if a child required special class placement? (Check all that apply)

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>Urban N=20</th>
<th>Suburban N=85</th>
<th>Rural N=30</th>
<th>Total N=135</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Psychological evaluation</td>
<td>95</td>
<td>99</td>
<td>93</td>
<td>97</td>
</tr>
<tr>
<td>B. Physical examination</td>
<td>85</td>
<td>75</td>
<td>63</td>
<td>73</td>
</tr>
<tr>
<td>C. Teacher recommendations</td>
<td>90</td>
<td>92</td>
<td>87</td>
<td>90</td>
</tr>
<tr>
<td>D. Guidance counselor's recommendations</td>
<td>60</td>
<td>86</td>
<td>80</td>
<td>84</td>
</tr>
<tr>
<td>E. Other (please specify)</td>
<td>58</td>
<td>34</td>
<td>20</td>
<td>30</td>
</tr>
</tbody>
</table>

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<td>Suburban N=85</td>
<td>Rural N=30</td>
<td>Total N=135</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. What criteria will be used in the future to determine if a child requires special class placement? (Check all that apply)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Core Evaluation Team Assessment</td>
<td>95</td>
<td>99</td>
<td>93</td>
<td>97</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Physical examination</td>
<td>20</td>
<td>61</td>
<td>47</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Psychological evaluation</td>
<td>20</td>
<td>60</td>
<td>47</td>
<td>52</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. Other (please specify)</td>
<td>0</td>
<td>14</td>
<td>17</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. How does your office of Special Education plan to re-integrate into regular classes students who were previously labeled &quot;developmentally disabled?&quot; (Check all that apply)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. One-fourth time in resource room class, three-fourths time in regular class</td>
<td>30</td>
<td>27</td>
<td>23</td>
<td>27</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. One-half time in resource room class, one-half time in regular class</td>
<td>35</td>
<td>29</td>
<td>37</td>
<td>37</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. School system is formulating a transitional classroom program</td>
<td>30</td>
<td>45</td>
<td>27</td>
<td>33</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. Does not apply</td>
<td>0</td>
<td>4</td>
<td>7</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. Other (please specify)</td>
<td>45</td>
<td>25</td>
<td>30</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
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*Percentages are rounded off for computation*
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<th>Rural N=30</th>
<th>Total N=135</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. To what extent is your school system working in joint cooperation with state institutions for the retarded? (Check one)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Not at all</td>
<td>0</td>
<td>20</td>
<td>33</td>
<td>20</td>
</tr>
<tr>
<td>B. To a slight extent</td>
<td>45</td>
<td>44</td>
<td>40</td>
<td>43</td>
</tr>
<tr>
<td>C. To a moderate extent</td>
<td>50</td>
<td>18</td>
<td>17</td>
<td>22</td>
</tr>
<tr>
<td>D. To a great extent</td>
<td>1</td>
<td>13</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>E. Does not apply</td>
<td>0</td>
<td>6</td>
<td>7</td>
<td>5</td>
</tr>
</tbody>
</table>

17. How many additional persons are being mixed in your school system to implement 766? (Check one)

| A. None                                            | 20         | 5             | 10         | 8           |
| B. 1-10                                            | 45         | 87            | 87         | 81          |
| C. 11-20                                           | 15         | 4             | 0          | 4           |
| D. 21-30                                           | 0          | 2             | 0          | 2           |
| E. More than 30                                    | 5          | 0             | 0          | 1           |
| F. Does not apply                                  | 10         | 1             | 3          | 3           |

*Percentages are rounded off for computation
*Percentage of Respondents in Urban, Suburban or Rural School Districts Regarding the 766 Questionnaire

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>LOCATION OF SCHOOLS</th>
<th>N=135</th>
<th>Urban N=20</th>
<th>Suburban N=85</th>
<th>Rural N=30</th>
<th>Total N=135</th>
</tr>
</thead>
<tbody>
<tr>
<td>18. To what extent has the re-evaluation process of evaluating pupils presently enrolled in Special Education classes begun? (Check one)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Not at all</td>
<td></td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>B. To a slight extent</td>
<td></td>
<td>15</td>
<td>20</td>
<td>13</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>C. To a moderate extent</td>
<td></td>
<td>15</td>
<td>39</td>
<td>30</td>
<td>33</td>
<td></td>
</tr>
<tr>
<td>D. To a great extent</td>
<td></td>
<td>65</td>
<td>34</td>
<td>50</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>E. Does not apply</td>
<td></td>
<td>0</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>19. Have you begun to form Core Evaluation Teams? (Check one)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Yes, the teams have been formed</td>
<td></td>
<td>40</td>
<td>52</td>
<td>63</td>
<td>53</td>
<td></td>
</tr>
<tr>
<td>B. Yes, but we have not completed the final selection of members</td>
<td></td>
<td>55</td>
<td>27</td>
<td>17</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>C. No, but we will be ready for September, 1974</td>
<td></td>
<td>5</td>
<td>19</td>
<td>13</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>D. No, and we do not expect to be ready by September, 1974</td>
<td></td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>E. Other (please specify)</td>
<td></td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

*Percentages are rounded off for computation
**TABLE I**

*Percentage of Respondents in Urban, Suburban or Rural School Districts Regarding the 766 Questionnaire*

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>Urban N=20</th>
<th>Suburban N=85</th>
<th>Rural N=30</th>
<th>Total N=135</th>
</tr>
</thead>
<tbody>
<tr>
<td>22. Optimally, which groups will comprise membership of the Core Evaluation Teams? (Check all that apply)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Parents</td>
<td>75</td>
<td>59</td>
<td>50</td>
<td>59</td>
</tr>
<tr>
<td>B. Principals</td>
<td>60</td>
<td>73</td>
<td>77</td>
<td>75</td>
</tr>
<tr>
<td>C. Guidance Counselors</td>
<td>85</td>
<td>92</td>
<td>87</td>
<td>90</td>
</tr>
<tr>
<td>D. Physicians</td>
<td>80</td>
<td>78</td>
<td>80</td>
<td>79</td>
</tr>
<tr>
<td>E. Social Workers</td>
<td>85</td>
<td>67</td>
<td>77</td>
<td>72</td>
</tr>
<tr>
<td>F. Psychologists</td>
<td>100</td>
<td>98</td>
<td>90</td>
<td>96</td>
</tr>
<tr>
<td>G. Speech Therapists</td>
<td>85</td>
<td>53</td>
<td>63</td>
<td>63</td>
</tr>
<tr>
<td>H. Teachers</td>
<td>95</td>
<td>93</td>
<td>93</td>
<td>93</td>
</tr>
<tr>
<td>I. School Board Members</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>J. Other (please specify)</td>
<td>35</td>
<td>33</td>
<td>33</td>
<td>33</td>
</tr>
</tbody>
</table>

23. How do you plan to inform the community of the availability of Special Education programs in your district? (Check all that apply)

| A. Local newspapers                                                    | 90         | 92            | 93         | 92          |
| B. Public information meetings                                         | 70         | 69            | 77         | 71          |
| C. Newsletters                                                         | 75         | 71            | 83         | 74          |
| D. PTA meetings                                                        | 70         | 55            | 73         | 64          |
| E. Other (please specify)                                              | 15         | 26            | 0          | 19          |

*Percentages are rounded off for computation*
### TABLE I

*Percentage of Respondents in Urban, Suburban or Rural School Districts Regarding the 765 Questionnaire*

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>LOCATION OF SCHOOLS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban N=20</td>
</tr>
<tr>
<td>24. Who will appoint the sixteen-member Advisory Council? (Check all that apply)</td>
<td></td>
</tr>
<tr>
<td>A. Superintendent of Schools</td>
<td>30</td>
</tr>
<tr>
<td>B. Director of Special Education</td>
<td>25</td>
</tr>
<tr>
<td>C. State Department of Education</td>
<td>20</td>
</tr>
<tr>
<td>D. Regional Department of Education</td>
<td>25</td>
</tr>
<tr>
<td>E. Parent Association</td>
<td>30</td>
</tr>
<tr>
<td>F. Other (please specify)</td>
<td>30</td>
</tr>
<tr>
<td>25. Who will determine if the &quot;safety&quot; of the child is in jeopardy in regular class placement, and suggest returning the child to special class placement? (Check all that apply)</td>
<td></td>
</tr>
<tr>
<td>A. Core Evaluation Team</td>
<td>100</td>
</tr>
<tr>
<td>B. Regular Teacher</td>
<td>5</td>
</tr>
<tr>
<td>C. Resource Room Teacher</td>
<td>4</td>
</tr>
<tr>
<td>D. Guidance Counselor</td>
<td>15</td>
</tr>
<tr>
<td>E. Principal</td>
<td>30</td>
</tr>
<tr>
<td>F. Director of Special Education</td>
<td>30</td>
</tr>
<tr>
<td>G. Superintendent</td>
<td>20</td>
</tr>
<tr>
<td>H. Other (please specify)</td>
<td>15</td>
</tr>
</tbody>
</table>

*Percentages are rounded off for computation*
**TABLE I**

*Percentage of Respondents in Urban, Suburban or Rural School Districts Regarding the 766 Questionnaire*

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>N=135</th>
<th>LOCATION OF SCHOOLS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Urban N=20</td>
</tr>
<tr>
<td>26. Will your school system be ready to implement 766 in its entirety? (Check one)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Yes</td>
<td>40</td>
<td>42</td>
</tr>
<tr>
<td>B. No</td>
<td>60</td>
<td>58</td>
</tr>
<tr>
<td>27. If your school system will not be ready, when do you anticipate implementing parts of 766? (Check one)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. By September 1, 1974</td>
<td>70</td>
<td>37</td>
</tr>
<tr>
<td>B. Within six months of the deadline date (September 1, 1974)</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>C. September, 1975</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>D. Undetermined</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>29. Should teacher education programs include a component in their curriculum for future teachers to learn methods of Special Education? (Check one)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Yes</td>
<td>95</td>
<td>98</td>
</tr>
<tr>
<td>B. No</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>C. Perhaps</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>D. No opinion</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*Percentages are rounded off for computation.*
TABLE II

Descriptive Statistical Analysis of Selected Questions from The Questionnaire "A Survey of the Impact of Bill 766 on Schools in the Commonwealth of Massachusetts for Urban, Suburban and Rural Schools"

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>LOCATION OF SCHOOLS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban</td>
</tr>
<tr>
<td>3. What is the approximate size of your student population?</td>
<td>16,313</td>
</tr>
<tr>
<td>4. How many teachers are there in your school system?</td>
<td>911</td>
</tr>
<tr>
<td>8. What percentage of students in your school system are presently involved in special education programs?</td>
<td>7</td>
</tr>
<tr>
<td>9. How many teachers employed in your school system teach special education?</td>
<td>40</td>
</tr>
</tbody>
</table>

*\( \bar{x} \) is the symbol used to designate the arithmetic average.
<table>
<thead>
<tr>
<th>QUESTION</th>
<th>URBAN</th>
<th>Range</th>
<th>SUBURBAN</th>
<th>Range</th>
<th>RURAL</th>
<th>Range</th>
<th>TOTAL SAMPLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. To date, what percentage of the school budget has typically been allotted for special education programs?</td>
<td>6</td>
<td>9</td>
<td>6</td>
<td>14</td>
<td>5</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>11. Approximately what percentage of the school budget will be allotted for special education programs for fiscal 1975?</td>
<td>9</td>
<td>20</td>
<td>9</td>
<td>19</td>
<td>6</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>20. How many Core Evaluation Team members does your school district anticipate employing?</td>
<td>10</td>
<td>69</td>
<td>2</td>
<td>15</td>
<td>2</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>
TABLE II

Descriptive Statistical Analysis of Selected Questions from the Questionnaire "A Survey of the Impact of Bill 766 on Schools in the Commonwealth of Massachusetts for Urban, Suburban and Rural Schools"

<table>
<thead>
<tr>
<th>QUESTION</th>
<th>Urban</th>
<th>Suburban</th>
<th>Rural</th>
<th>TOTAL SAMPLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>x</td>
<td>Range</td>
<td>x</td>
<td>Range</td>
<td>x</td>
</tr>
<tr>
<td>21. How many members will there be on a typical Core Evaluation Team?</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>9</td>
</tr>
</tbody>
</table>
TABLE III

Analysis of Attitudinal Questions Towards the Features of 766 by Urban, Suburban and Rural Schools

<table>
<thead>
<tr>
<th>QUESTION 28</th>
<th>URBAN</th>
<th>SUBURBAN</th>
<th>RURAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Beside each of the five individual features of 766 listed below, please indicate the extent of your agreement or disagreement by writing in the space provided one of five possible answers: Strongly Agree (SA); Agree (A); Neutral (N); Disagree (D); or Strongly Disagree (SD).

A. Parents have the right to challenge the evaluation.

1. S.D.  
2. D  
3. N  
4. A  
5. S.A.

B. Children with special needs should be re-evaluated yearly.

1. S.D.  
2. D  
3. N  
4. A  
5. S.A.
**TABLE III**

Analysis of Attitudinal Questions Towards the Features of 766 by Urban, Suburban and Rural Schools

<table>
<thead>
<tr>
<th>QUESTION 28</th>
<th>URBAN</th>
<th>SUBURBAN</th>
<th>RURAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Core Evaluation Teams should be formed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. S.D.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2. D</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>3. N</td>
<td>0</td>
<td>5</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>4. A</td>
<td>40</td>
<td>41</td>
<td>57</td>
<td>44</td>
</tr>
<tr>
<td>5. S.A.</td>
<td>60</td>
<td>49</td>
<td>33</td>
<td>47</td>
</tr>
<tr>
<td>D. Advisory Councils should be formed.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. S.D.</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>2. D</td>
<td>10</td>
<td>19</td>
<td>13</td>
<td>16</td>
</tr>
<tr>
<td>3. N</td>
<td>25</td>
<td>40</td>
<td>43</td>
<td>39</td>
</tr>
<tr>
<td>4. A</td>
<td>20</td>
<td>26</td>
<td>27</td>
<td>25</td>
</tr>
<tr>
<td>5. S.A.</td>
<td>40</td>
<td>3</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>E. Programs should be formulated for all children with &quot;Special Needs&quot; by school districts.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. S.D.</td>
<td>5</td>
<td>7</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2. D</td>
<td>0</td>
<td>7</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>3. N</td>
<td>5</td>
<td>14</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>4. A</td>
<td>45</td>
<td>42</td>
<td>53</td>
<td>47</td>
</tr>
<tr>
<td>5. S.A.</td>
<td>45</td>
<td>34</td>
<td>23</td>
<td>33</td>
</tr>
</tbody>
</table>
A Sampling of Background Data

Among specific findings of the investigation into backgrounds of school districts sampled, it was revealed:

1. School districts ranged in pupil population from 5,362 to 94,825. The higher statistics represented the urban sample.

2. Instructional staffs for school systems ranged from 301 to 4,989. Again the larger teaching staffs were in urban areas.

3. Two percent of the total school districts surveyed claimed that they had no knowledge of the 766 law; sixteen percent said they had a limited knowledge of the legislation; and eighty-two percent felt they had a great deal of understanding concerning the law.

4. Ninety-five percent of the urban respondents believed that they had a great deal of knowledge regarding the 766 legislation.

5. Regarding the overall attitudes of school policy makers to Chapter 766, the answers were varied. Forty-two percent of the total sampled favored the law; fifty percent partially favored; three percent opposed; and two percent claimed that they were not familiar enough with the legislation. The urban respondents had a higher percentage of totally favorable answers than the suburban or rural samples.

Report on the Current Status of Special Education

Among specific findings of the investigation inquiring into the present status of special education in Massachusetts, the following responses were noted.

1. The percentage of students currently enrolled in special education ranged from a low of eight percent to a high of twenty-four percent. Urban school districts had a lower pupil enrollment in these programs than suburban school systems (twelve percent urban, twenty-four percent suburban).
2. Instructional staffs for special education services ranged from a low of seventeen teachers to a high of two hundred fifty-nine teachers depending upon the size of the school district.

3. In the area of budget allotments for special education services, school districts support such programs with six to fourteen percent of their fiscal monies. Suburban school districts allocate larger budgets for special education than the urban systems (nine percent urban, fourteen percent suburban).

4. An integral concern of the study was the forms of special education services that the total sample offered to their communities prior to 766. The alleged variety of program offerings were surprising. Forty-seven percent of the sample provided services for the physically handicapped; ninety-six percent have programs for the perceptually handicapped (mentally retarded); twenty-four percent have classes for the deaf; seventy-six percent offer services for the emotionally disturbed; and twenty-six percent have instruction for the blind. Perhaps surprising was the fact that eighty percent of the urban sample offer instructional programs for blind youngsters. (Multiple answers were possible.)

5. When asked what diagnostic procedures have been utilized in the past to determine the child's learning handicap, ninety-seven percent of the sample cited the psychological evaluation; seventy-three percent the physical examination; ninety percent teacher recommendations; eighty-four percent guidance referrals; and thirty percent provided responses other than suggested in the item. (Multiple answers were possible.)

Implementation of 766

This section is concerned with the perceived implementation of Chapter 766 among the school systems sampled. Among the specific findings of the investigation
of projected implementation, respondents expressed their future plans and understandings of Chapter 766 as noted:

BUDGET

1. In terms of projected budgets for the fiscal year 1975, between nine and twenty percent of the school budgets will be allocated for special education. This represents almost a one hundred percent increase in expenditures from previous years. Urban school districts have more than doubled their yearly special education disbursements.

2. Concerning the raising of additional revenues for the increased special education budgets, ninety-seven percent of the total sample will obtain these funds from local taxes; thirty percent from state subsidies; two percent from municipal bonds; and eleven percent will seek funds from sources not formally suggested in this item. (Multiple answers were possible).

CORE EVALUATION TEAMS

1. While ninety-seven percent of the school systems will utilize diagnostic evaluation by the Core Evaluation Team, fifty-two percent will continue to use the psychological and physical evaluations for this assessment. (Multiple answers were possible).

2. About fifty-three percent of the total sample have formed the Teams. On this question, there were varying statistics. Fifty-five percent of the urban school systems have formed the Teams but have not completed the selection of members; five percent of the sample have not formed the Teams but do anticipate being ready by September 1, 1974.

3. On the question of how many Core Evaluation Teams the total districts will employ, the numbers ranged from four to sixty-nine Teams. The urban sample cited the greatest numbers of Core Evaluation Teams.
4. As an addenda to the previous item, it was asked how many members will there be on a typical Core Evaluation Team. It appeared that membership was varied from seven to nine persons. Perhaps disappointing is the fact that all twenty of the urban sample said that their Teams will have no more than six members.

5. Among the groups which will comprise the membership of the Core Evaluation Teams there were sample differences. The following percentages were indicated by the respondents:

<table>
<thead>
<tr>
<th>Role</th>
<th>Urban</th>
<th>Suburban</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents:</td>
<td>75%</td>
<td>59%</td>
<td>50%</td>
</tr>
<tr>
<td>Principals:</td>
<td>80%</td>
<td>73%</td>
<td>77%</td>
</tr>
<tr>
<td>Guidance Counselors:</td>
<td>85%</td>
<td>92%</td>
<td>87%</td>
</tr>
<tr>
<td>Physicians:</td>
<td>80%</td>
<td>78%</td>
<td>80%</td>
</tr>
<tr>
<td>Social Workers:</td>
<td>85%</td>
<td>67%</td>
<td>77%</td>
</tr>
<tr>
<td>Psychologists:</td>
<td>100%</td>
<td>98%</td>
<td>90%</td>
</tr>
<tr>
<td>Speech Therapists:</td>
<td>85%</td>
<td>58%</td>
<td>63%</td>
</tr>
<tr>
<td>Teachers:</td>
<td>95%</td>
<td>93%</td>
<td>93%</td>
</tr>
</tbody>
</table>

(Multiple answers were possible).
6. Asked to what extent has the re-evaluation process of Core evaluating pupils presently enrolled in special education programs been exercised, three percent of the total sample replied "not at all"; eighteen percent answered "to a slight extent"; thirty-three percent to a moderate extent; and forty-two percent to a great extent. Over sixty percent (65%) of the urban school systems claim to have re-evaluated almost all the youngsters in special education programs.

Programs

1. About one third (39%) of the total sample are formulating transitional classroom programs to re-integrate special education youngsters into regular classes. Thirty-five percent of the urban sample will utilize the one half time resource room - one half time regular classroom plan. Forty-five percent of the urban respondents checked the "other" item response but did not specify their projected plan. (Multiple answers were possible).

2. On the question of working in joint cooperation with state schools for the retarded, thirty-three percent of the respondents checked "to a moderate extent." However, fifty percent of the urban sample said they would be working to a great extent with these state institutions to develop quality programs.

3. Regarding additional instructional staff for special education services, eighty-one percent of the total sample will hire between one and ten teachers for this purpose. Only the urban school systems (5%) will hire more than thirty additional personnel for this need. Twenty percent of the urban sample do not anticipate hiring any additional personnel.

4. Ninety-two percent of the urban, suburban, and rural respondents indicated that they will inform their communities of special education services in the local newspapers. Other community information suggestions such as PTA, public information meetings, and newsletters will be used by over fifty percent of the total sample. (Multiple answers were possible).
Advisory Councils

1. On the question of who will appoint the sixteen member Advisory Council, it appeared that there was little understanding of the process. The answer most frequently cited was the Regional Department of Education (39%). However, the urban samples were divided on the other options offered in this item. Thirty percent believed that this was the responsibility of the Superintendent of Schools; twenty-five percent felt the Director of Special Education should oversee this process; twenty percent thought the State Department of Education should coordinate the selection; and thirty percent assumed that the local Parent Association will select the members. Only the rural sample (47%) answered more often that this selection was the responsibility of the Regional Department of Education. (Multiple answers were possible).

Additional Items

1. When asked who will determine if the "safety" of the child is in jeopardy in the regular class, thus suggest returning the youngster to the special class, eighty-three percent of the total sample believed that the Core Evaluation Team is responsible for this determination. All twenty urban school districts concurred that the Core Evaluation Team should make the decision. It would be concluded from the evidence (See Table I) that the Core Evaluation Team should consult with various groups or individuals before reaching a decision. Suggested consultants are: the regular teacher, resource room specialist, guidance counselor, principal, Director of Special Education, superintendent and other interested parties. (Multiple answers were possible).

2. A key item of this survey was when will school districts be prepared to implement Chapter 756 in its entirety. Thirty-eight percent of the total sample said they will be ready by September 1, 1974. Sixty-two percent indicated that they will not be ready for implementation by September 1, 1974. Sixty percent of the urban sample indicated that they will not be ready for implementation by September 1, 1974.
3. When asked when school systems anticipate implementing parts of Chapter 756, sixty-four percent of the total sample answered by September 1, 1974. In urban districts the figure was closer to seventy percent. Seven percent of the respondents will partially implement within six months of the deadline date; eleven percent by September, 1975; and seventeen percent are undetermined when they will implement any of the provisions of the law.

4. About ninety-seven percent of the total sample believe that teacher education programs should incorporate a component into their curriculum for future educators to learn theory and methods of special education.

Report of Attitudinal Data Regarding the Provisions of Chapter 756

Among specific findings of the assessment of attitudes to individual provisions of Chapter 756, it was discovered that:

1. Fifty-three percent of the total sample agreed that parents should have the right to challenge the evaluation of their child. Of the same group, thirty-six percent agreed strongly with this provision.

2. Less than fifty percent (41%) of the respondents believed that children with special needs should be re-evaluated yearly. Five percent of the urban sample disagreed with this provision, while sixty percent strongly agreed on this item.

3. Only about forty percent of the policy makers believed that Core Evaluation Teams should be formed. On this question there were marked differences between the urban sample and the other respondents. Sixty percent of the urban districts believed in the concept of the Core Evaluation Team assessments.

4. Relative to the matter of forming Advisory Councils, about forty percent of the respondents remained neutral on this question.
Fifteen percent of the urban sample either disagreed or strongly disagreed with the provision. Surprisingly, forty percent of the urban respondents strongly agreed with the item.

5. In response to the question of formulating programs for children with "special needs," almost fifty percent of the respondents (47%) were in agreement with this item. Six percent disagreed and one percent strongly disagreed. Almost all of the urban districts reacted favorably with the statement (45% agree, 45% strongly agree.)

Discussion of the Results

Administrators in Massachusetts school systems, in general, exhibit a clear perception of Chapter 760 and its provisions. Their understanding is reflected in their positive views on the intent of the law. Present school systems' philosophy mirror a concern to develop quality special education programs, Core Evaluation Teams, increased budgetary allotments, and the re-evaluation of children presently in special education programs. These could all lead to a spontaneous creation of state wide reform of present special education policies. Yet, despite these general positive factors, several questions arose regarding the data received. The first concerns itself with the nature of what is included in the category "special education." This was never clearly defined. This concern arose from two surprising statistics in the Survey. Seemingly, suburban school systems have a higher percentage of special
education students than urban districts (See Table II, Item 8). But, according to the programs they offer handicapped children (See Table I, Item 7), suburban schools provide fewer services than urban schools. Inferred from this evidence is that while urban schools offer a greater variety of special education services to their communities, the diagnostic procedures utilized to uncover potential learning disabilities are ineffective. The evidence in Item 13 (See Table I) in part, supports this theory. Furthermore, studies by Blatt (1971) and the Task Force on Children Out of School (1970) evidenced that many children with real or assumed learning disabilities have been misdiagnosed and placed into inappropriate learning situations.

The evidence revealed the concern among school officials to formulate programs to integrate children with special needs into the regular classroom. The Survey evidenced no general coordination of plans in the three samples. The urban, suburban, and rural samples were divided on the re-integration alternatives offered in the item (See Table I, Item 15).

While most school districts agreed with the principle of Core Evaluation Team assessments, it is noted that the composition of diagnostic personnel has not drastically altered from previous practices. Ninety-six percent of the total sample seemingly weigh the findings
of the psychological evaluation more than other diagnostic assessments.

Furthermore, over sixty percent of the respondents still include teacher recommendations and guidance referrals in this assessment process. Chapter 766 clearly suggests (See Chapter IV) that the child should see a medical doctor, speech therapist, audiologist, ophthalmologist, and social worker before having a psychological evaluation. If the results of this item on the Survey are correct, then the dangers will still exist of misclassifying the children. This will ultimately lead to the continuance of placing youngsters into programs not necessarily suited for their needs based primarily on a psychological evaluation.

The three samples did not have a clear understanding of the Advisory Council. This was evidenced in their lack of knowledge concerning who will appoint the Council. Less than forty percent (39%) of the respondents cited the Regional Department of Education, which is the correct answer. Over sixty percent cited other items in the question. Perhaps this lack of understanding is due to the regulations not being finalized at the time of the Survey. However, the role of the local Advisory Council is a key provision of the law. The primary function of the Advisory Council is to serve as a "checks and balance" body between the local community and the school department. If properly
coordinated it will safeguard against unwitting abuses of the special education process and serve as a vehicle for parents to question the placement determination of the school and/or the Core Evaluation Team. In addition, the Advisory Council is to make certain that quality programs are being developed for all children with special needs within the community.

According to the Survey, over one half of the total school districts in Massachusetts will not be ready to implement the provisions of Chapter 766 in its entirety. Presently, the intent is there but, the opinion held is that a "watch and wait" situation has developed. In the Surveys returned, many school officials wrote that complete implementation is an impossibility until the regulations are finalized and adopted.

Still, it can be effectively argued that the responsibility for implementation falls directly to the school system's policy makers, teachers, and community constituents. The stance of non-implementation, until regulations are final, becomes invalid when one considers that schools have had two years to begin implementation. Furthermore, the lack of cooperation of school districts during the legislative and later the regulatory process (See Chapter IV) indicates an unwillingness of school officials to assist in reforming special education practices.
In light of these considerations, it is still necessary to remain open minded to school systems' projected plans and attitudes concerning Chapter 766. The Survey did reflect the aspirations that administrators have for children with special needs. In addition, it did find that school systems have the intent to follow the guidelines of the law.

It could be inferred that expansion and development of special education programs could, if preceded by appropriate school system organization, readily improve the quality and scope of Massachusetts special education into a national exemplary model of public school based special services for children with special needs. If the answers in this Survey are indicative of school systems' implementation perceptions, there should be a minimum of policy problems in instituting the philosophy of Chapter 766 within the next few years.

Recommendations for Further Investigation of Chapter 766 Implementation

The researcher proposes several recommendations for further investigation into the implementation of Chapter 766. First, recommendations for the current data should be utilized for a closer examination of what school districts will do regarding 766 in September, 1974. For example, the data reported in this chapter indicates that
a majority of school districts will implement parts of 766 by September, 1974. An examination of the progress of this implementation after that date will either validate or invalidate the responses in this study.

Moreover, a followup interview/questionnaire is suggested for greater validity of the Survey's findings. Items such as "Overall, what is your attitude towards Bill 766," (Item #6) reflect an attitudinal response that may or may not be totally truthful. Through an indepth interview process, the researcher could obtain more objective results.

Secondly, investigations into parents' and teachers' perceptions of the law is also recommended. To achieve this purpose a parent/teacher survey should be constructed with follow up interview sessions. An analysis to the degree of implementation during the first year of operation could thus be further realized.

Finally, it is recommended that Survey determination of the effectiveness of Chapter 766 be pursued over the next three years. Only through on-going objective evaluation and analysis can the effectiveness of the law be judged and reviewed.
CHAPTER VI

SUMMARY, FUTURE IMPLICATIONS, AND CONCLUSIONS

SUMMARY

This dissertation had four major purposes. The first was to familiarize the reader with an historical overview of special education in Massachusetts public schools until 1972. This overview included the areas of special education curriculum, exclusion of children with learning dysfunctions from public education, and the segregation stigma of special education. The second purpose was to investigate recent legislative and court reforms pertaining to special education throughout the United States. This section, in part, provided the context for consideration of the eventual drafting and passage of the 766 law in Massachusetts. The third purpose was to discuss the 766 legislation from its inception until its formal signing into law. The role of parent groups in the educational reform bill formed a key part of this discussion. Finally, this study analyzes the results of a questionnaire inquiring into the impact of Chapter 766 on public schools in Massachusetts. This sought to provide special education consumers and school officials with data relative to the perceptions held by school administrators regarding the implementation of the law.
IMPLICATIONS FOR THE FUTURE OF CHAPTER 766 IN MASSACHUSETTS

The implications for the future of Chapter 766 on Massachusetts public schools is discussed based on several variables. Included are: funding, regulations, and staffing concerns.

A crucial obstacle concerning the immediate and long range effectiveness of the Chapter 766 is the funding of special education programs. This is a key concern voiced by administrators at public hearings, personal interviews, and the questionnaire discussed in Chapter V. Originally, the state legislature committed itself to reimburse Massachusetts cities and towns one hundred percent of the increased per pupil cost incurred to effect Chapter 766. As of February, 1974, the state had partially reneged on this commitment claiming that the necessary funds are not available at this time. The State Department of Education had requested $11.3 million for first year funds (1974-75). However, Secretary of Finance and Administration, William Cowin, reduced the request to $9.4 million. The amount is insufficient to meet the projected special education costs of the state's 351 cities and towns requiring funding for effective implementation.

The Boston school department estimates that it will require $25 million for the first year of operation. Springfield estimates $5.7 million. Alice Casey, Associate
Superintendent for Special Education in Boston views the situation in this way:

There is no way of getting that kind of money. You just can't ask for something beyond belief. So we're going to cover only the most critical aspects of the law and we'll expand over a five year period. Our big problem is up front funding. We have 10 per cent of the state's students, but even if they give us 10 per cent of that 9 million, it wouldn't even begin to cover expenses. If we don't get more money than that, we're going to have to reduce our program even further.¹

To add to the financial perplexity, some school districts are uncertain as to the specific costs of new or additional programs to benefit children with special needs. Generally, they are refraining from presenting needed projections of expenditures until the state passes an appropriation bill to cover the costs of implementing Chapter 766. The legislature has not passed such a measure nor is there evidence that one will be passed in the near future. Consequently, many school districts are proceeding with the 766 mandate on a limited basis.

It is the opinion of Secretary Cowin that passage of an appropriation package will increase local real estate taxes in the state. Property taxes, however, place the heaviest burden on low and middle income families. Thus, by financing 766 through increased real estate taxes, the

¹"Unfunded Chapter 766: It's Still Unclear Who Will Foot the Possible $100 Million Bill," Boston Sunday Globe, February 24, 1974, p. 32.
state would be placing an additional burden on these individuals that would be difficult to handle with the present tax pattern in the United States.

However, when the Massachusetts legislature enacted the 766 bill they affirmed the concept that state and local school districts have the responsibility to provide quality public education for every child regardless of handicap. It seems that going from the drafting board to implementation is not an easy task. Implementation will be costly. Without the necessary funds, local school districts will only effect special education reform on a minimal basis. The losers, in the end, will be the students.

If the intent of Chapter 766 is to become a reality, the state legislature must arrive at an alternative method of financing the law. It could investigate revenue raising through increased taxes on liquor, cigarettes, amusement services, or license plates, to name a few. Although the resolution of the financial issue is unclear, there is little doubt that the Massachusetts legislature and local school districts cannot ignore their obligation to children with special needs. If they do, it is certain that parent advocacy groups will take the financial issue to the courts in an attempt to pressure the state to allot the funds needed for effective implementation.

A second factor affecting the future impact of
Chapter 766 is the regulations adopted to govern the law. Even though the law theoretically takes effect on September 1, 1974, the final draft of regulations is still being written, thus further contributing little hope for complete implementation in September, 1974.

The last draft of the regulations was released in January, 1974. While it was lauded for its philosophy by special education consumers and school district officials, the regulations were re-submitted to committee based on protests by school officials regarding certain provisions. The officials believed that the parameters of the regulations were too specific and therefore unrealistic to put into operation. Since the regulations are back in committee and being redrafted, some school districts are moving forward with the 766 law slowly. Informal interviews with school superintendents have revealed the concern that without the regulations, it is fruitless to proceed with the change policy of the law.

Dr. Philip Frost, Superintendent of the Longmeadow School Department stated:

We've formed a Core Evaluation Team and we are urging our schools to investigate the resource room approach. However, we can't proceed further until the regulations are finalized and the guidelines are specific as to what we can and cannot do.²

²Interview with Dr. Phillip Frost, Superintendent of Schools, Longmeadow, Massachusetts, May 30, 1974.
While the concern for finalized regulations has some merit, school districts should proceed with plans to implement the law without the regulations.

Special education reform is a relatively recent occurrence. Alternative instructional techniques can be developed by public schools without the benefit of regulations. Furthermore, the finding and evaluation of youngsters with special needs can also be accomplished. Effectiveness of the 766 law should not be totally dependent upon the issuance of regulations.

Those school districts who wish to proceed with the mandate will, with or without the regulations. Those school districts who fail to recognize special education as a respectable entity within the public school will probably not implement effectively even with guidelines issued by the state. However, to protect the youngsters with special needs from being further shortchanged, the state must issue the regulations so that school districts will have no excuse to further shirk their responsibility and maintain the status quo of special education.

A final consideration that can effect the future of Chapter 766 is the demand for additional persons to help implement alternative special education programs and procedures. There is a shortage of such personnel in the Commonwealth of Massachusetts. What is needed are thousands
of teachers, paraprofessionals, speech therapists, certified psychologists, and other professionals to effect the needed change in the local schools.

On a long range basis, it is suggested that Universities incorporate into their teacher education programs courses pertaining to children with special needs. Furthermore, their practicum experience should be structured so that future teachers would have contact with all types of children, not just those in the regular class.

However, a more immediate concern is the teachers presently employed in Massachusetts schools. Schools must redefine the role of the special education teacher in light of the 766 law. The law invites the establishment of a new professional category considered as a Human Services Specialist. This specialist has expertise that transcends traditional teaching skills of curriculum, methods, and counseling. Such a professional should be well versed in nutrition, psychology, diagnostic procedures and communication skills. This is the individual who must ultimately coordinate and teach in the special education class.

Therefore, it is suggested that immediate steps be taken by schools to provide in-service education for professionals to redefine their classroom role. The major emphasis of these programs should be: disability identification and screening procedures to uncover learning needs,
strategies to remove the non-organically impaired child from the special class, a unit on the establishment and coordination of the resource class, and a unit on integrating the child with special needs into the regular classroom. This type of program should have been enacted prior to the implementation date. Unfortunately, only a few school districts in the state have started this task. Cities such as Worcester, Andover, and Boston have developed in-service programs for regular and special education professionals in order to develop those skills necessary for the effective teaching of children with special needs.

The State Department of Education, Massachusetts Teacher's Association, and universities around the state have developed workshops to retrain teachers. The major objective of these renewal workshops is to develop skills for teachers to aid in mainstreaming children with special needs into the regular classroom.

The challenge of Chapter 766 can only be successful if the local school districts take advantage of the sources outside of the school district in putting into effect the philosophy underlying the 766 law. Furthermore,

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3 The Massachusetts Teacher's Association, State Department of Special Education, Westfield State College, University of Massachusetts, and Fitchburg State College have developed in-service programs directed towards aiding schools in implementing Chapter 766.
the state has the responsibility to live up to their financial commitment to the local cities and towns to fund the mandate of the law. Finally, so that no excuse can be found for non-implementation, the state should work with all deliberate speed to issue the 766 regulations. If these above concerns are amply met, the 766 law can play an important role in making public schools in Massachusetts healthier learning environments for all children.

CONCLUSIONS

This study was presented in the context of the role of reform legislation to effect the change of educational opportunities for children with special needs. It is unclear if the promise for special education reform in Massachusetts can be mandated by the legislative process. It is assumed that such reform must go beyond the decisions of the courts and the law.

While the study was written with the idea that change on the legislative level is necessary, it can only be effective if cooperation by the public is present and helpful in bringing about the needed changes. The key component in this change process is the parent of the child with special needs. It is suggested that Massachusetts public schools develop parent involvement programs designed to combine parents and professionals in a group experience
aimed at helping everyone involved in the child's education. Second, Massachusetts public schools should develop in-service training for all teachers so that they can become acquainted with the educational needs of children with learning handicaps. The in-service training programs should be comprehensive, on-going, interacting, and designed to incorporate formal and informal workshop teaching with demonstration lessons. These workshops should go beyond the standard curriculum development and classroom management strategies.

The teacher should be introduced to the total biological and mental profile of developmental disabilities. They should become well versed in nutrition, psychology, and screening procedures to survey all children who may need special assistance. It is suggested that the in-service programs should then provide professionals with new alternative to methods and curriculum for children with special needs.

Chapter 766 has opened the door for parents, school personnel, and community organizations to effect positive change for the benefit of children with special needs in Massachusetts. This task is enormous in magnitude, but one that can be affected if techniques can be devised to allocate Massachusetts resources in ways that work to the benefit of the "exceptional" child.
While the legislature of the Commonwealth of Massachusetts has passed the special education reform bill, it has as yet not totally lived up to its financial commitment of the law. Adequate finances must be allocated through the legislature if Chapter 766 is to be implemented fully. If these resources are not forthcoming, then generally very little will change for children with special needs in Massachusetts public schools.
Be it enacted, etc., as follows:

SECTION 1. The General Court finds that past development of special education programs has resulted in a great variation of services to children with special needs with some children having a greater educational opportunity than others in less favored categories or environments. The General Court further finds that past methods of labeling and defining the needs of children have had a stigmatizing effect and have caused special education programs to be overly narrow and rigid, both in their content and their inclusion and exclusion policies.

In the light of the policy of the commonwealth to provide an adequate publicly supported education to every child resident therein, it is the purpose of this act to provide for a flexible and uniform system of special education program opportunities for all children requiring special education; to provide a flexible and non-discriminatory system for identifying and evaluating the individual needs of children requiring special education; requiring evaluation of the needs of the child and adequacy of the special education program before placement and periodic evaluation of the benefit of the program to the child and the nature of the child's needs thereafter; and to prevent denials of equal educational opportunity on the basis of national origin, sex, economic status, race, religion, and physical or mental handicap in the provision of differential education services.

This act is designed to remedy past inadequacies and inequities by defining the needs of children requiring special education in a broad and flexible manner, leaving it to state agencies to provide more detailed definitions which recognize that such children have a variety of characteristics and needs, all of which must be considered if the educational potential of each child is to be realized; by providing the opportunity for a full range of special education programs for children requiring special education; by requiring that a program which holds out the promise of being special actually benefits children assigned thereto; and by replacing the present inadequate and anti-
equalizing formula for distribution of state aid for special education programs with an equalizing one which encourages cities, towns and regional school districts to develop adequate special education programs within a reasonable period of time.

Recognizing that professional services and resources must be made available to cities, towns and regional school districts on a regional basis if this act is to be implemented successfully, and within a reasonable period of time, this act strengthens and regionalizes the division of special education in the department of education and provides for and urges meaningful cooperation among agencies concerned with children with special needs.

Recognizing, finally, that present inadequacies and inequities in the provision of special education services to children with special needs have resulted largely from a lack of significant parent and lay involvement in overseeing, evaluating and operating special education programs, this act is designed to build such involvement through the creation of regional and state advisory committees with significant powers and by specifying an accountable procedure for evaluating each child's special needs thoroughly before placement in a program and periodically thereafter.

SECTION 2. Chapter 15 of the General Laws is hereby amended by adding after section 11 the following five sections:

Section 11. The powers and duties of the division of special education, established by section one, shall include the following: (1) to regulate, consult with and assist school committees in the identification, classification, referral, and placement of children requiring special education; (2) to regulate all aspects of, and assist with, the development of all special education programs supported in whole or in part by the commonwealth; (3) to coordinate the expertise of professionals from appropriate disciplines, both within and outside of the department and to be the coordinating agency for all state agencies providing educational assessment services and educational services to children requiring special education; (4) to compile data on, and to require all public schools and agencies and any private schools or agencies receiving any funds from the commonwealth to provide information relating to, all children requiring special education who reside in the commonwealth and on all available special education programs.
supported in whole or in part by the commonwealth; (5) to periodically review and analyze said data in order to evaluate said programs and to disseminate statistical data to any citizen or agency within the commonwealth upon request; provided, however, that records pertaining to individuals shall be kept confidential; (6) to develop public information programs regarding the nature and extent of special educational needs of children residing in the commonwealth and the availability of special education programs to meet those needs; (7) to develop and recommend to the board of education certification standards for educational personnel employed in special education programs and regulations to encourage greater use of ancillary personnel; (8) to cooperate with and assist public and private colleges and universities within the commonwealth in developing courses and programs best designed to prepare graduates to serve the educational requirements of children requiring special education; (9) to receive and investigate complaints and to conduct public and executive hearings with power of subpoena on behalf of an individual child or group of children receiving or requiring special education regarding any aspect of any special educational programs and to initiate its own investigation without a complaint; (10) to receive and allocate federal and state funds for programs for children requiring special education, subject to the priorities established by this section and Chapter seventy-one and such other additional priorities as may be established pursuant to section one P by the board of education; (11) to recommend to the board of education such rules, regulations and guidelines and to issue such directives as are necessary to carry out the purposes of sections one N to one Q, inclusive, and to execute other provisions of law relative to the administration of educational programs for children requiring or receiving special education; (12) to provide for the maximum practicable involvement of parents of children in special education programs in the planning, development, and evaluation of special education programs in the districts serving their children; (13) to approve the purchase, lease and maintenance of all special equipment for the instruction outside of the classroom of handicapped children for whom attendance in public school is not feasible and to regulate the conditions under which such a child may be considered so handicapped; (14) to investigate into and hold hearings upon prima facie denials of equal educational opportunities by reason of national
origin, sex, economic status, race, religion, or physical or mental handicap of school aged children requiring special education as defined in section one of said chapter seventy-one G and thereafter issue such declaratory and injunctive orders as may be necessary to cure any actual denial of equal educational opportunities by reason of national origin, sex, economic status, race, religion, and physical or mental handicap of school aged children requiring special education; (15) to require public or private schools and educational agencies receiving any funds from the commonwealth to establish cost accounting and reporting procedures, forms, schedules, rates and audits in conformity with department standards; and to make reports to the department at such times, in such fashion and on such forms as the department may require; (16) to conduct or contract with any federal, state or private agency for the conduct of research and development projects designed to improve the quality of special education programs or increase the efficiency of such programs; (17) in the event of funding shortages, to allocate resources proportionately; (18) to provide for placement of children requiring special education into public schools or agency programs near their place of residence and to allow other placements in the event that suitable public programs or services can not be provided; (19) to take all steps, including but not limited to public hearings and investigations necessary to insure that state and local expenditures for special education provide the maximum feasible benefit to every child receiving or requiring special education; (20) to develop and recommend any appropriate parent or guardian counseling or educational programs which are deemed necessary for the educational development of a child with special needs; (21) to recommend to the board that it withhold funds for special education programs from cities, towns or school districts, private schools or agencies which do not comply with regulations or statutes related to special education programs or do not carry out plans for such compliance within a reasonable period of time provided; however, that nothing contained in this clause shall be construed to prevent the board from withholding state and federal funds to the extent it deems necessary as provided in section one G.

Section 1N. There shall be in the division of special education a sufficient number of bureaus to enable it to carry out its powers and duties under section one M, and the board of education, upon the recommendation of the commissioner of education and the associate commissioner for
special education; shall appoint a director with experience in the education of children with special needs for each bureau. One bureau shall be responsible for holding hearings and conducting investigations pursuant to clauses (8), (14) and (18) of section one M, section one P and section three of chapter seventy-one B.

Section 12. There shall be established in each of the department of education regional offices a regional branch of the division of special education. Each regional branch shall be headed by a director with experience in the education of children with special needs and who shall be appointed by the board of education upon the recommendations of the commissioner of education and the associate commissioner for special education. Said regional branch shall have the following functions: (1) to consult with and assist school committees in implementing the regulations, guidelines and directives of the department in the area of special education; (2) to directly assist school committees in identifying, diagnosing and evaluating children with special needs and in developing special education programs to meet their individual educational needs; (3) to approve all special education placements by school committees of children with special needs; (4) to assist and encourage the formation of joint agreements between two or more school committees for the provision of special education pursuant to section four of chapter seventy-one B; (5) to investigate and evaluate any special education program at the request of the department or on its own initiative; (6) to maintain a list and inform school committees of professional personnel within and without the region qualified to assess children with special needs pursuant to the provisions of section three of said chapter seventy-one B and to make such information available upon request to parents, guardians or persons with custody of such children; (7) to have such other responsibilities as may be delegated to it by the department.

Section 18. There shall be established in each region a special education advisory council, hereinafter called the advisory council, consisting of at least sixteen members, appointed by the department in consultation with the director of said regional branch. At least eight of the members of an advisory council shall be parents who reside in the region, and whose children are enrolled in a special education program; provided, however, that no more than two parents on each such advisory council shall be parents of
children who are not in public school day programs.

Each member shall be appointed for a term of three years. No member may be appointed for more than two consecutive terms. Each advisory council shall advise the regional branch regarding all aspects of special education programs within the region and shall submit a written report annually on the quality and adequacy of such programs to the state advisory commission established under section one Q. In addition to its other powers and duties, the advisory council shall hear and transmit to said state advisory commission complaints and suggestions of persons interested in special education in the region. Members of each advisory council shall be granted access to special education programs and to information about such programs subject to restrictions established by the board of education regarding confidentiality, and shall be assisted in carrying out their duties by the regional branch of the division of special education. Members of the advisory councils shall be reimbursed by the commonwealth for expenses necessarily incurred in the performance of their duties.

Section 10. There shall be established in the department a state advisory commission for special education, hereinafter called the commission.

Each special education advisory council established pursuant to section one P shall elect two representatives to the commission, at least one of whom shall be a parent or guardian whose child is receiving special education.

The commissioners of the departments of mental health, public health and public welfare shall each appoint a representative to serve as ex officio members of the commission. Members of the commission shall be reimbursed for expenses which are necessarily incurred in the performance of their duties. The commission shall annually submit a report to the department evaluating the quality and adequacy of special education programs in the commonwealth and recommending improvements in those programs. The department shall implement the recommendations of the commission or shall state in a written reply to said commission the reasons why such recommendations cannot or should not be implemented. In such circumstances, the bureau responsible for hearing complaints and conducting investigations in the division of special education pursuant to section one N shall attempt to resolve the disagreement informally; provided, however, if a settlement cannot be reached the state board of education
shall conduct public hearings to investigate the bases for
the disagreement and resolve any dispute between the depart-
ment and the commission.

SECTION 3. The second sentence of section 35 of
chapter 41 of the General Laws, as appearing in section 2
of chapter 143 of the acts of 1937, is hereby amended by
inserting after the word "officers", in line 3, the following
words:--; provided, however, reimbursements made to a city
or town under section thirteen of chapter seventy-one B shall
be made to the school committees of such cities and towns and
shall be used for special education programs pursuant to said
chapter seventy-one B without further apportionment.

SECTION 4. Section 53 of chapter 44 of the General
Laws is hereby amended by striking out the first sentence and
inserting in place thereof the following sentence:--All
moneys received by any city, town or district officer or
department, except as otherwise provided by section thirteen
of chapter seventy-one B and by special acts and except fees
provided for by statute, shall be paid by such officers or
department upon their receipt into the city, town or district
Treasury.

SECTION 5. Subsection (b) of section 16A of chapter
58 of the General Laws is hereby amended by striking out
paragraph (3), as most recently amended by section 3 of
chapter 1005 of the acts of 1971, and inserting in place
thereof the following paragraph:--

(3) On or before November twentieth, the reimburse-
ment for the special education programs required to be paid
by the Commonwealth under chapters seventy-one A and seventy-
one B.

SECTION 6. The third sentence of the second paragraph
of section 7C of chapter 59 of the General Laws, as appearing
in section 2 of chapter 403 of the acts of 1950, is hereby
amended by striking out the words "of the mentally retarded",
in line 5.

SECTION 7. The third sentence of the second paragraph
of section 7D of said chapter 59, as appearing in chapter
702 of the acts of 1953, is hereby amended by striking out
the words "of the mentally retarded", in line 4.

SECTION 8. Sections twenty-six to twenty-nine E,
inclusive, and sections thirty-two to thirty-four inclusive,
of said chapter sixty-nine are hereby repealed.
SECTION 9. Paragraph (c) of section 2 of chapter 70 of the General Laws, as most recently amended by section 6 of chapter 871 of the acts of 1970, is hereby further amended by striking out the words, "for special classes for the physically handicapped and the mentally retarded", in lines 4 and 5.

SECTION 10. Sections forty-six to forty-six B, inclusive, sections forty-six D to forty-six F, inclusive, and sections forty-six H to forty-six M, inclusive, of chapter seventy-one of the General Laws are hereby repealed.

SECTION 11. The General Laws is hereby amended by inserting after chapter 71A the following chapter:

CHAPTER 71B
CHILDREN WITH SPECIAL NEEDS

Section 1. The following words as used in this chapter shall, unless the context requires otherwise, have the following meanings: "Department", the department of education; "School age child", any person of ages three through twenty-one who has not attained a high school diploma or its equivalent; "School age child with special needs", a school age child who, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional, or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning disabilities or any combination thereof, is unable to progress effectively in a regular school program and requires special classes, instruction periods, or other special education services in order to successfully develop his individual educational potential; "Regular education", the school program and pupil assignment which normally leads to college preparatory or technical education or to a career; "Special education", educational programs and assignments, namely special classes, programs or services designed to develop the educational potential of children with special needs including but not limited to educational placements of children by school committees, the departments of public health, mental health, and youth services and the division of family and children's services in accordance with the regulations of the department of education; "School age child requiring special education", any child with special needs who requires special education as determined in accordance with the regulations set forth...
by the department.

Section 2. The department shall promulgate, in cooperation with the departments of mental health, public health and welfare, regulations regarding programs for children with special needs including but not limited to a definition of special needs; provided, however, that such definition shall emphasize a thorough narrative description of each child's developmental potential so as to minimize the possibility of stigmatization and to assure the maximum possible development of a child with special needs, and, provided further, that such definition shall be sufficiently flexible to include children with multiple special needs. Children receiving or requiring special education shall be entitled to participate in any of the following programs: (1) additional direct or indirect instruction consultation service, materials, equipment or aid provided children or their regular classroom teachers which directly benefits children requiring special education; (2) supplementary individual or small group instruction or treatment in conjunction with a regular classroom program; (3) integrated programs in which children are assigned to special resource classrooms but attend regular classes to the extent that they are able to function therein; (4) full-time special class teaching or treatment in a public school building; (5) teaching or treatment at home; (6) full-time teaching or treatment in a special day school or other day facility; (7) teaching or treatment at a hospital; (8) teaching or treatment at a short or long term residential school; (9) occupational and pre-occupational training in conjunction with the regular occupational training program in a public school; (10) occupational and pre-occupational training in conjunction with full-time special class teaching in a public building, at home, special day school or other day facility, hospital, or short or long-term residential school; (11) any combination or modification of programs (1) through (10) or other programs, services, treatments or experimental provisions which obtain the prior approval of the department.

Admission to such programs on the pre-school level at an earlier age than at which schooling is ordinarily provided shall be regulated by the department in conjunction with the departments of public health and mental health and shall be restricted to children with substantial disabilities who are judged by said departments to require such programming.

No child shall be assigned to a special education class
unless it is first determined by an evaluation of the child's needs and the particular special education program that the child is likely to benefit from such program; periodically thereafter, and in no event less often than annually the child and his program shall be reevaluated to determine whether said child is benefiting from such program in accordance with the procedures set forth in section three. In the event that said program is not benefiting the child and that another program may benefit the child more, or said program has benefited the child sufficiently to permit reassignment, and in the event of consistent failure of a program to benefit children there assigned, the program shall be abolished or altered.

Section 3. In accordance with the regulations, guidelines and directives of the department issued jointly with the departments of mental health and public health and with assistance of the department, the school committee of every city, town or school district shall identify the school age children residing therein who have special needs, diagnose and evaluate the needs of such children, propose a special education program to meet those needs, provide or arrange for the provision of such special education program, maintain a record of such identification diagnoses, proposal and program actually provided and make such reports as the department may require. Until proven otherwise every child shall be presumed to be appropriately assigned to a regular education program and presumed not to be a school age child with special needs or a school age child requiring special education.

No school committee shall refuse a school age child with special needs admission to or continued attendance in public school without the prior written approval of the department. No child who is so refused shall be denied an alternative form of education approved by the department, as provided for in section ten, through a tutoring program at home, through enrollment in an institution operated by a state agency or through any other program which is approved for the child by the department.

No child shall be placed in a special education program without prior consultation, evaluation, reevaluation, and consent as set forth and implemented by regulations promulgated by the department.

Within five days after the referral of a child enrolled in a regular education program by a school official, parent
or guardian, judicial officer, social worker, family physician, or person having custody of the child for purposes of determining whether such child requires special education, the school committee shall notify the parents or guardians of such child in writing in the primary language of the home of such referral, the evaluation procedure to be followed, and the child's right to an independent evaluation at clinics or facilities approved by the department under regulations adopted jointly by the department and the departments of mental health and public health and the right to appeal from any evaluation, first to the department, and then to the courts.

Within thirty days after said notification the school committee shall provide an evaluation as hereinafter defined. Said evaluation shall include an assessment of the child's current educational status by a representative of the local school department, an assessment by a classroom teacher who has dealt with the child in the classroom, a complete medical assessment by a physician, an assessment by a psychologist, an assessment by a nurse, social worker, or a guidance or adjustment counselor of the general home situation and pertinent family history factors; and assessments by such specialists as may be required in accordance with the diagnosis including when necessary, but not limited to an assessment by a neurologist, an audiologist, an ophthalmologist, a specialist competent in speech, language and perceptual factors and a psychiatrist.

The department jointly with the departments of mental health and public health shall issue regulations to specify qualifications for persons assessing said child.

These departments through their joint regulations may define circumstances under which the requirement of any or all of these assessments may be waived so long as an evaluation appropriate to the needs of the child is provided.

Those persons assessing said child shall maintain a complete and specific record of diagnostic procedures attempted and their results, the conclusions reached, the suggested courses of special education and medical treatment best suited to the child's needs, and the specific benefits expected from such action. A suggested special education program may include family guidance or counseling services. When the suggested course of study is other than regular education those persons assessing said child shall present a
method of monitoring the benefits of such special education and conditions that would indicate that the child should return to regular classes, and a comparison of expected outcomes in regular class placement.

If a child with special needs requires of a medical or psychological treatment as part of a special education program provided pursuant to this section, or if his parent or guardian requires social services related to the child's special needs, such treatment or services, or both, shall be made available, in accordance with regulations promulgated jointly by the departments of education, mental health, public health and public welfare in connection with the child's special education program. Reimbursement of the costs of such treatment or services or both shall be made according to the provisions of section thirteen.

Upon completion of said evaluation the child may obtain an independent evaluation from child evaluation clinics or facilities approved by the department jointly with the departments of mental health and public health or, at private expense, from any specialists.

The written record and clinical history from both the evaluation provided by the school committee and any independent evaluation, shall be made available to the parents, guardians, or persons with custody of the child. Separate instructions, limited to the information required for adequate care of the child, shall be distributed only to those persons directly concerned with the care of the child. Otherwise said records shall be confidential.

The department may hold hearings regarding said evaluation, said hearings to be held in accordance with the provisions of chapter thirty A. The parents, guardians, or persons with custody may refuse the education program suggested by the initial evaluation and request said hearing by the department into the evaluation of the child and the appropriate education program. At the conclusion of said hearing, with the advice and consultation of appropriate advisory councils established under section one P of chapter fifteen, the department may recommend alternative educational placements to the parents, guardians or persons with custody, and said parents, guardians and persons with custody may either consent to or reject such proposals. If rejected, and the program desired by the parents, guardian or person with custody is a regular education program. the department and
the local school committee shall provide the child with the educational program chosen by the parent, guardian or persons with custody except where such placement would seriously endanger the health or safety of the child or substantially disrupt the program for other students. In such circumstances the local school committee may proceed to the superior court with jurisdiction over the residence of the child to make such showing. Said court upon such showing shall be authorized to place the child in an appropriate education program.

If the parents, guardians or persons with custody reject the educational placements recommended by the department and desire a program other than a regular education program, the matter shall be referred to the state advisory commission on special education to be heard at its next meeting. The commission shall make a determination within thirty days of said meeting regarding the placement of the child. If the parents, guardians or person with custody reject this determination, they may proceed to the superior court with jurisdiction over the residence of the child and said court shall be authorized to order the placement of the child in an appropriate education program.

During the course of the evaluation, assessments, or hearings provided for above, a child shall be placed in a regular education program unless such placement endangers the health or safety of the child or substantially disrupts such education program for other children.

No parent or guardian of any child placed in a special education program shall be required to perform duties not required of a parent or guardian of a child in a regular school program.

Within ten months after placement of any child in a special education program, and at least annually thereafter the child's educational progress shall be evaluated as set forth above. If such evaluation suggests that the initial evaluation was in error or that a different program or medical treatment would now benefit the child more, appropriate reassignment or alteration in treatment shall be recommended to the parents, guardians or persons having custody of the child. If the evaluation of the special education program shows that said program does not benefit the child to the maximum extent feasible, then such child shall be reassigned.

Evaluations and assessments of children and special
education programs shall remain confidential and be used solely for the administration of special education in the commonwealth, including, but not limited to, inspection by the department and regional and state advisory councils to insure that every special education program does benefit the children there assigned.

Section 4. The school committee of any city, town or school district may, to meet its obligations under section three, with the approval of the department enter into an agreement with any other school committee to jointly provide special education or, subject to the consent of the parent or guardian affected thereby and subject to constitutional limitations, may enter into an agreement with any public or private school, agency, or institution to provide the necessary special education within the city, town or school district.

In the case of an agreement between school committees to jointly provide special education, said agreement shall designate one city, town or school district as the operating agent. Funds received by such operating agent from other cities, towns or school districts or appropriated by such operating agent for the purposes of such agreement, in addition to gifts and grants shall be deposited with and held as a separate account by its treasurer. The school committee may apply said funds to the costs of programs operated pursuant to the agreement without further appropriation.

Section 5. Any school committee which provides or arranges for the provision of special education pursuant to the provisions of section three shall pay for such special education personal, materials and equipment, tuition, room and board, transportation, rent and consultant services are necessary for the provision of such special education.

A school committee which incurs costs or obligations as a result of section five of chapter one hundred and seventy-one B of the General Laws, inserted by section eleven of this act, shall include within its budget for its fiscal year which includes September first, nineteen hundred and seventy-three, and annually thereafter, an amount of money to comply with the provisions of said chapter. Said amount shall be added to the annual budget appropriation for school purposes in each city or town and shall be a portion of the amount necessary in such city or town for the support of public schools for the purposes of, and enforceable pursuant to, section thirty-four of chapter seventy-one, notwithstanding any general or special laws or charter provisions which limit the amount of money
that may be appropriated in any city or town for school purposes.

Section 6. School committees shall annually report to the department, pursuant to regulations promulgated by the department, the assignment by sex, national origin, economic status, race and religion, of children by age level to special education classes and the distribution of children residing in the district by sex, national origin, economic status, race and religion of children by age level. Within any school district if in any special education program there is a pattern of assignment throughout the district on the basis of sex, national origin, economic status, race or religion of the students which is substantially disproportionate from the distribution, the department shall notify such school district of its prima facie denial of equal educational opportunities. The department shall hold public hearings to investigate into such prima facie denial, at which hearings the local school district must show that such disproportion is necessary to promote a compelling education interest of the children affected and of the commonwealth. If the local school district fails to make such showing, a denial of equal educational opportunities shall be declared by the department and it shall order said district to submit a plan to eliminate such denial to be effective for the school year immediately following such declaration and order. If in the view of the department the plan submitted is inadequate, or if implementation of said plan proves inadequate, the department may request the attorney general to proceed to the superior court for all necessary injunctive and other relief. If such prima facie denial has continued without elimination for a period of two consecutive years in any school district, any person residing in such school district may bring suit in the superior court of his residence to determine whether there is such adequate justification for the prima facie denial, and in the event there is not, to obtain the necessary and appropriate injunctive or other relief.

Section 7. No results of standardized or local tests of ability, aptitude, attitude, affect, achievement, or evaluation may be used exclusively in the selection of children for referral, diagnosis, or evaluation. Such tests must be approved by the department in accordance with regulations issued by the board to insure that they are as free as possible from cultural and linguistic bias or, wherever necessary, separately evaluated with reference to the linguistic and cultural groups to which the child belongs.
Section 8. If a school age child with special needs attends a school approved by the department within or without the city or town or residence of the parent or guardian, the school committee of the town where the child resides may be required by the department to provide transportation once each day including weekends where applicable to and from such school while the child is in attendance. The city or town providing transportation under this section shall be reimbursed according to the provisions of section thirteen.

Section 9. The department, after consultation with the departments of mental health and public health, shall define the circumstances in which school committees may be required to provide special classes, instruction periods or other special education programs for school age children with special needs and shall provide standards for class size, curriculum, personnel and other aspects of special education for such children.

Section 10. The department may, on an annual renewal basis, upon the request of the parents or guardians and the recommendations of a local school committee and a regional branch of the division of special education, and with the approval of the secretary of educational affairs refer children requiring special education to any institution within or without the commonwealth which offers curriculum, instruction and facilities which are appropriate to the child's needs and which are approved by the department under regulations prescribed by the departments of education, mental health and public health. The curriculum at such an institution must for approval be equivalent, insofar as the department deems feasible, to the curriculum for children of comparable age and ability in the public schools of the commonwealth.

Before acting on said request the department shall determine the nature and extent of a child's special needs, shall require the local school committee and regional advisory council to prepare and submit plans detailing the time needed to establish facilities adequate for children with special needs in the city, town or school district where the child resides, and shall ascertain whether adequate facilities and instruction programs are available or when adequate facilities can be made available in the city, town or school district where the child with special needs resides. Until adequate facilities can be made available, such child shall be placed in the most adequate program available as determined by the department. The department shall further define
by regulation the circumstances in which it shall be directly responsible for the placement of children in such special education programs, and by standards available to the public determine the methods and order of such placements; provided, however, that no child shall be denied access to any program operated by the department of mental health, public health or public welfare to which in the judgment of the operating department the child should be admitted.

The expenses of the instruction and support actually rendered or furnished to such children with special needs, including their necessary travelling expenses, whether daily or otherwise, but not exceeding ordinary and reasonable compensation therefor, may be paid by the commonwealth; but the department shall issue regulations jointly with the departments of mental health, public health, youth services and public welfare defining the circumstances in which the commonwealth shall bear all or part of such cost, the circumstances in which school committees shall be required to bear part or all of such cost, and the circumstances in which a parent or guardian may be required to reimburse the commonwealth for part or all of such cost; provided, however, that in no event shall the cost to the school committee for placement under this section be less than the average per pupil cost for pupils of comparable age within the city, town or school district; and, provided further, that in determining the cost to the parent or guardian, if any, no charge shall be made for any educational cost but only for support and care. In determining the cost to the parent or guardian the department shall apply criteria which take into account relative ability to pay.

The department shall direct and supervise the education of all such children, and the commissioner of education shall state in his annual report their number, the cost of their instruction and support, the manner in which the money appropriated therefor has been expended, to what extent reimbursed and such other information as he deems important.

Nothing contained herein shall affect the continued authority of the departments of mental health and public health over all non-educational programs and all treatment for residents or patients in institutions under their control.

Section 11. The department is hereby authorized to cooperate with cities and towns which establish recreation programs for school age children with special needs.

Such programs shall be under the direction and approval
of the division of special education, and the department shall reimburse said cities and towns for one half of the cost thereof, including transportation of said children to and from the site of such program on each day said program is held. The department shall also fully reimburse a city or town in which said children are residents for the cost of transportation to and from recreation programs at any state facility whose recreation programs are approved by the department for the purposes of this section.

Section 12. The department shall establish and maintain a school department for school-age children in each institution under the control of the departments of mental health, public health and youth services which provides support and care for resident children with special needs, acting jointly with the department which has control over the particular institution; provided, however, that appropriations for the administration of said school departments shall be administered by the department of education.

Each such school department shall be administered by a director, appointed jointly by the commissioner of education and the superintendent of said institution.

Each such school department shall have such staff as the department and the department which administers the institution involved deem appropriate.

Such school departments shall operate pursuant to regulations established jointly by the department and the department which administers said institution. Nothing contained herein shall affect the continued authority of departments operating such institutions over all non-educational programs and all treatment for residents or patients in institutions under their control.

The director and staff of such school departments shall be employees of the department of education, which shall assume the costs of all aspects of the educational programs in such departments. Said school departments may operate twelve months of the year. The salaries of school department personnel shall be paid at a rate at least equivalent to that of the average statewide public school salaries for comparable personnel employed in the public schools, as adjusted to account for the longer school year in the school departments. The total employee benefits accruing to such personnel in vacation, sick leave, tenure, and retirement benefits shall be similarly comparable to those of public school personnel, as adjusted to account for the longer school year.
in the school departments. Nothing contained herein shall operate to remove from employment any educational personnel already employed by any institution now under the administration of the department of mental health, public health or youth services, or to reduce their salaries or other employee benefits.

The per capita expenditure on education programs in such school departments shall be equivalent to or higher than the average expenditure for special education programs in the public schools of the commonwealth less the average transportation costs. Said average expenditure shall be computed annually by the department of education.

The city, town or regional school district in which each school-age child in any institution described hereinabove would normally be eligible to attend school shall pay to the commonwealth the costs of the education of said child in the school department of said institution in an amount determined according to the regulations issued under section ten; provided, however, that said payment for each such child shall not be less than its average per pupil cost for pupils of comparable age within the said city, town or school district. The amount due the commonwealth each year shall be deducted from the annual distribution to said city, town or school district pursuant to section eighteen A of chapter fifty-eight.

Section 13. The cost of instruction, training and support, including the cost of special education personnel, materials and equipment, tuition, transportation, rent and consultant services, of the children in special classes, instruction periods or other programs provided under section three shall, for the amount by which such costs exceed the average per pupil expenditure of the city, town or school district for the education of children of comparable age, be reimbursed by the commonwealth to the city, town or school district as provided in section eighteen A of chapter fifty-eight; provided however, that the amount of such reimbursement for each special education pupil in the city, town or school district shall not exceed one hundred and ten per cent of the applicable state average expenditure for such special education pupil minus the state average expenditure per public school pupil. In determining the applicable state average expenditure for each special education pupil for the purposes of this section the department shall differentiate between types of programs on the basis of the amount of time a child
requires special programs outside of the regular classroom to meet his particular needs and the ratio of personnel to pupils required for such programs. Such reimbursement shall be made only after approval and certification by the department that such expenditures are reasonable and that funds for such special education personnel, materials and equipment, tuition, transportation, rent and consultant services were actually expended and that such special education classes, instruction periods and other programs have met the standards and requirements prescribed by the department. The costs for each special education pupil shall be "reimbursable expenditures" within the meaning of chapter seventy, in an amount not to exceed the average per pupil expenditure for said city, town, or school district, and shall be reimbursed under said chapter.

The department shall reimburse a city or town in which a child resides who attends a clinical nursery school established under section twenty-seven of chapter nineteen or a child, who, because of insufficient classroom space in a clinical nursery school, attends a clinical nursery school, day care center or other institution for the care, education or treatment of retarded children conducted by an accredited school or college within the commonwealth, as provided in said section twenty-seven, or a retarded person who attends an educational, habilitational or day care program or facility of the department of mental health, as provided under section twenty-eight of said chapter nineteen, by paying one-half of the cost of the transportation of each such child and the full cost of each such adult to and from such educational, habilitational or day care program or facility, as the case may be, one each day said school is in session.

Any reimbursements made to cities and towns under this section shall be made to the school committees of such cities and towns and shall be applied to the costs of programs provided for under this chapter without further appropriation.

Section 14. The state treasurer shall annually, on or before November twentieth, pay, under paragraph (3) of subsection (b) of section eighteen A of chapter fifty-eight, to any city or town or regional school district such sums as may be certified by the commissioner of education on account of special equipment purchased, leased and maintained or of classes or special instruction periods conducted as provided in section two.

SECTION 12. The first sentence of section 1 of chapter
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76 of the General Laws, as amended by chapter 400 of the acts of 1950, is hereby further amended by inserting in line 22 after the word, "impracticable," the words, "subject to the provisions of section three of chapter seventy-one B".

SECTION 13. Said chapter 76 is hereby amended by striking out section 11 and inserting in place thereof the following section:--

Section 11. Any city or town which provides instruction to any child who is a resident of an institution and who was not theretofore a resident of such city or town may recover from the commonwealth the school expense incurred by reason of the school attendance of such child to be determined jointly by the school committee of such city or town and the department of education or, in case of their disagreement, by the probate court. The amount recoverable by a city or town under this section shall be limited to the annual per pupil cost of education as determined under section seven and no costs shall be reimbursed under this section which are reimbursable under section thirteen of chapter seventy-one B.

SECTION 14. The definition of "approved school projects" in section 3 of chapter 545 of the acts of 1948 is hereby amended by inserting after the second sentence the following sentence:--No school construction project shall be an approved school project unless and until the school building assistance bureau and the division of special education in the department of education are satisfied that adequate provisions have been made for children with special needs as defined in section one of chapter seventy-one B of the General Laws.

SECTION 15. The secretaries of the executive offices of human services and education shall jointly submit an annual report to the governor and the general court evaluating the success with which the departments under their administration have cooperated in the implementation of this act together with any recommendations for improving the ability of the commonwealth to meet the needs of children with special needs.

SECTION 16. A child who is in a special education program as of the effective date of this act shall be presumed to be appropriately assigned to said program until an evaluation pursuant to the provisions of section three of chapter seventy-one B of the General Laws, inserted by section eleven of this act, indicates that another program would benefit said child more.
SECTION 17. No child with special needs in a special education program on the effective date of this act shall be removed from said program he is in without the written consent of the parents, guardians, or persons with custody of said child.

SECTION 18. A school committee shall not be responsible for more than the average per pupil cost for pupils of comparable age within the respective city, town or school district as its share of the cost of continuing placement for those children with special needs enrolled in an institution with his tuition paid by the commonwealth as of the effective date of this act.

SECTION 19. Departments issuing regulations pursuant to chapter seventy-one B of the General Laws, inserted by section eleven of this act, shall make such regulations available at least six months prior to the effective date of the act for review by a committee appointed by the board of education for such purpose. Said committee shall be representative of the several types of institutions now serving children with special needs, both public and private, and shall include members experienced in providing educational services to the several existing categories of special needs. Said committee shall further include members who are parents of children with special needs, both in public programs and private programs, members who are regular classroom teachers, members who are teachers primarily of children with special needs and members representing any other groups directly affected by this act or having expertise in the implementation of programs for children with special needs. Said committee shall include for each statutory category of children with special needs on the effective date of this act at least one member knowledgeable and experienced in working with such category of children.

SECTION 20. The members of a regional special education advisory council, established by section two of this act, first created shall consist of five members appointed for a one year term, five members appointed for a two year term, and six members appointed for a three year term.

SECTION 21. The amount reimbursed to a city, town or school district under section thirteen of chapter seventy-one B of the General Laws, inserted by section eleven of this act, combined with reimbursements for special education programs under chapter seventy of the General Laws shall not be less than reimbursements for special education programs
received for the fiscal year nineteen hundred and seventy-four, until and unless said city, town or school districts qualifies for a lesser amount after September first, nineteen hundred and seventy-nine.

SECTION 22. The provisions of this act are severable and if any provision shall be held unconstitutional by any court of competent jurisdiction, the decisions of such court shall not affect or impair any of the remaining provisions.

SECTION 23. This act shall take effect on September first, nineteen hundred and seventy-four.

Approved July 17, 1972.
APPENDIX B
This survey is a part of a study currently being conducted by the Center for Urban Education Teacher Education Program of the University of Massachusetts, Amherst.

The Center for Urban Education is interested in determining the viability of recent reforms in special education in the Commonwealth.

The purpose of this survey is to ascertain the potential significance of state statutes in Chapter 76E of the laws of the Commonwealth of Massachusetts.

With the data collected, the Center for Urban Education will attempt to determine necessary changes for its teacher preparation programs in light of the 76E legislation.

The ultimate goal is to hopefully provide school systems with teachers whose expertise in the areas of regular classroom instruction are coupled with skills in special education knowledge as required by the 76E legislation.

Dependent on the response to this questionnaire, a summarizing document will be made available to school systems by June, 1974.

It is hoped that the data compiled will be an important and viable resource to school systems in the Commonwealth of Massachusetts.

QUESTIONS

1. In which area is your school system located? (Check one)
   
   a. Urban
   b. Suburban
   c. Rural

2. What is your position in the school system?

   ____________________________

3. What is the approximate size of your student population?

   ____________________________ students

4. How many teachers are there in your school system?

   ____________________________ teachers

5. To what extent are you familiar with the features and regulations of Bill 76E? (Check one)

   a. Not at all
   b. To a limited extent
   c. To a great extent
6. Overall, what is your attitude towards Bill 766? (Check one)
   a. Totally favor
   b. Partially favor
   c. Oppose
   d. Not familiar

7. What types of Special Education programs does your school system presently employ? (Check all that apply)
   a. Programs for the physically handicapped
   b. Programs for the perceptually handicapped
   c. Programs for the deaf
   d. Programs for the emotionally disturbed
   e. Programs for the blind
   f. Does not apply

8. What percentage of students in your school system are presently involved in Special Education programs?
   _______________________________

9. How many teachers employed in your school system teach Special Education classes?
   _______________________________ teachers

10. To date, what percentage of the school budget has typically been allotted for Special Education programs?
    _______________________________

11. Approximately what percentage of the school budget will be allotted for Special Education programs for the fiscal 1975?
    _______________________________% (anticipated)

12. What means are being employed by your township to allot necessary monies for implementation of 766?
    a. Local taxes
    b. State subsidies
    c. Municipal bonds
    d. Other (please specify)

13. What criteria were used in the past, to determine if a child required special class placement? (Check all that apply)
    a. Psychological evaluation
    b. Physical examination
    c. Teacher recommendations
    d. Guidance counselor recommendations
    e. Other (please specify)
14. What criteria will be used in the future to determine if a child requires Special class placement? (Check all that apply)

a. Core evaluation team assessment
b. Physical examination
c. Psychological evaluation
d. Other (please specify)

15. How does your office of Special Education plan to reintegrate into regular classes, students who were previously labeled "developmentally disabled"? (Check all that apply)

a. 1/4 time in resource room class, 3/4 time in regular class
b. 1/2 time in resource room class, 1/2 time in regular class
c. School system is formulating a Transitional classroom program
d. Does not apply
e. Other (please specify)

16. To what extent is your school system working in joint cooperation with State Institutions for the Retarded to implement 766? (Check one)

a. Not at all
b. To a slight extent
c. To a moderate extent
d. To a great extent
e. Does not apply

17. How many additional persons are being hired in your school system to implement 766? (Check one)

a. None
b. 1 - 10
c. 11 - 20
d. 21 - 30
e. More than 30
f. Does not apply

18. To what extent has the re-evaluation process of evaluating pupils presently enrolled in Special Education classes begun? (Check one)

a. Not at all
b. To a slight extent
c. To a moderate extent
d. To a great extent
e. Does not apply

19. Have you begun to form Core Evaluation Teams? (Check one)

a. Yes, the teams have been formed
b. Yes, but we have not completed the final selection of members
c. No, but we will be ready for September, 1974
d. No, and we do not expect to be ready by September, 1974
e. Other (please specify)
20. How many Core Evaluation Teams does your school district anticipate employing?

21. How many members will there be on a typical Core Evaluation Team? (please specify)

22. Optimally, which groups will comprise membership of the Core Evaluation Teams? (Check all that apply)
   a. Parents
   b. Principals
   c. Guidance Counselors
   d. Physicians
   e. Social Workers
   f. Psychologists
   g. Speech therapists
   h. Teachers
   i. School Board members
   j. Other (please specify)

23. How do you plan to inform the community of the availability of Special Education programs in your district? (Check all that apply)
   a. Local newspapers
   b. Public information meetings
   c. Newsletters
   d. PTA meetings
   e. Other (please specify)

24. Who will appoint the 15 member Advisory Council? (Check all that apply)
   a. Superintendent of Schools
   b. Director of Special Education
   c. State Department of Special Education
   d. Regional Department of Special Education
   e. Parent Association
   f. Other (please specify)

25. Who will determine if the "safety" of the child is in jeopardy in regular class placement, and suggest returning the child to Special Class placement? (Check all that apply)
   a. Core evaluation team
   b. Regular teacher
   c. Resource room teacher
   d. Guidance counselor
   e. Principal
   f. Director of Special Education
   g. Superintendent
   h. Other (please specify)

26. Will your school system be ready to begin to implement 766 in its entirety? (Check one)
   a. Yes
   b. No
27. If your school system will not be ready, when do you anticipate implementing parts of 766? (Check one)
   a. By September 1, 1974
   b. Within 6 months of the deadline date (September 1, 1974)
   c. September, 1975
   d. Undetermined

28. Beside each of the 5 individual features of 766 listed below, please indicate the extent of your agreement or disagreement by writing in the space provided one of the 5 possible answers: Strongly Agree (S.A.), Agree (A), Neutral (N), Disagree (D), Strongly Disagree (S.D.).
   a. Parents have the right to challenge the evaluation
   b. Children with special needs should be re-evaluated yearly
   c. Core Evaluation Teams should be formed
   d. Advisory Councils should be formed
   e. Programs will be formulated for all children with "Special Needs" by school districts

29. Should teacher education programs include a component in their curriculum for future teachers to learn methods of special education? (Check one)
   a. Yes
   b. No
   c. Perhaps
   d. No opinion
Dear Administrator:

We are writing to invite you to participate in a survey currently being conducted by the Center for Urban Education at the University of Massachusetts, Amherst, Massachusetts. The Center has invited approximately 200 administrators throughout the Commonwealth to assist us in this survey.

The survey consists of a needs assessment questionnaire for school systems regarding the implementation of state law 756. The survey will assess the extent to which the Center for Urban Education should expand its teacher education program to facilitate effective teaching of special education and regular classes in schools throughout the Commonwealth.

Let us assure you that we are not evaluating school systems, or administrators. We are simply coordinating a needs assessment instrument for use in our teacher training program. All participating school systems and administrators will remain completely anonymous as far as reporting the data is concerned.

The Center feels that this survey project is extremely important since its ultimate goal is the preparation of successful teachers. Therefore, we would greatly appreciate your participation in this project.

If you choose to participate, please follow the following procedures.

1. Read through the questionnaire before answering any questions.

2. Check or fill in the appropriate answers in the spaces provided on the questionnaire.

Enclosed with this letter you will find the questionnaire packet and a stamped self-addressed envelope.
If you have any questions concerning this questionnaire, contact Dr. Cleo Abraham, Center Director, Dr. Barbara Love, Director of Teacher Education, or Mr. Peter Willner, coordinator of this survey, collect, at (413) 545-1377.

We appreciate your time and effort in assisting us with this survey. Thank you very much for your consideration.

Sincerely,

Dr. Cleo Abraham

Dr. Barbara Love

Mr. Peter Willner

Center for Urban Education
School of Education

CA/gpv
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