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Issues of non-compliance with Chapter 766: a region-wide analysis of Massachusetts special education program audits to develop a framework for identifying problems of implementing Public Law 94-142.

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ISSUES OF NON-COMPLIANCE WITH CHAPTER 766:
A REGION-WIDE ANALYSIS OF MASSACHUSETTS SPECIAL EDUCATION
PROGRAM AUDITS TO DEVELOP A FRAMEWORK FOR
IDENTIFYING PROBLEMS OF IMPLEMENTING
PUBLIC LAW 94-142

A Dissertation Presented

By

WILLIAM FERRIS

Submitted to the Graduate School of the
University of Massachusetts in partial fulfillment
of the requirements for the degree of

DOCTOR OF EDUCATION

September 1984

Education
ISSUES OF NON-COMPLIANCE WITH CHAPTER 766:
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Education
Dedicated

to

the special needs children of Massachusetts
This study would not have been possible without the support of and encouragement of a number of people. A sincere thanks to my committee, Dr. Arthur Eve, Dr. Salvatore Tagliarini, and Dr. Frank Rife whose support assisted me in completing this study. Thanks also to Barbara Llamas and Jean Turati who helped with the typing and processing of the paperwork. Also, thanks to Dr. Frank Llamas who helped me with the computer processing of the data. Finally, loving thanks to my family and friends who continually encouraged me to complete the work.
ABSTRACT

Issues of Non-Compliance with Chapter 766:
A Region-Wide Analysis of Massachusetts Special Education
Program Audits to Develop a Framework for
Identifying Problems of Implementing
Public Law 94-142
(September 1984)

William Ferris, B.A., Glassboro State College,
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The purpose of this study was to develop and test a model framework for identifying implementation problems associated with comprehensive special education legislation such as Massachusetts' Chapter 766 or Federal Public Law 94-142. The model successfully derived during this study involved a special education data base constructed from information already accumulated by the state during mandated audits of each school district's special education programs. The study shows that, by arranging data already available from this neglected source, diverse and sophisticated information can be derived; information which is detailed and accurate, broad-based, consistent, current, inexpensive, and easily maintained. Simple integration with other available standardized data sources allows for relatively complex research or examinations to be conducted, even at the regional level. Furthermore, the entire system described could be entered, maintained, updated, and processed on microcomputers by the working staffs at the regional offices and then be forwarded, by telephone, to the central office for instant
present-status reports or for even broader-based research and planning.

On the basis of the findings described in this study, it was recommended:

(1) that the Massachusetts Department of Education create and maintain a uniform computerized data base consisting of the information included on the non-compliance citations of the special education Program Audit Reports;

(2) that a microcomputer be installed in each regional office where data from each region would be entered and maintained by office staff;

(3) that a modem be installed in each regional office so that regional data could be made immediately available at the central office and so that data could be accumulated for larger research projects; and, finally

(4) that other states with similar special education audit processes be proselytized to implement a similar system so that an ever-broadening, ever-current data base might be created.
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"All children regardless of any handicap or other disability, have a right to a publicly-supported education suited to their needs."\textsuperscript{1}

Orientation and Background Information

As all the educational institutions react to legislative, judicial, social, and economic pressures imposed upon the present educational service-delivery system, the basic process of providing for the educational needs of all the citizens of our nation is undergoing fundamental examination and redefinition. Recent legislation has increasingly defined and mandated what services are required while judicial processes have held educational institutions ever more accountable for their actions or their lack of action. Social pressures have been brought to bear as expectations are raised and left unmet. Finally, the economic realities of payment for services rendered are an issue for every taxpayer in the nation. These various pressures often conflict. The system which finally emerges from these conflicts will be shaped by what is learned during the redefinition. What can be learned will be dependent upon the quality and the scope of available information.

Special education legislation at the state and at the federal levels has had and will have profound effects upon the educational
delivery system of Massachusetts. Information on the effectiveness of implementation of this legislation is valuable because Massachusetts has been considered closer to compliance with federal comprehensive special education legislation than most other states, having enacted similar legislation at the state level four years prior to the federal legislation.

The laws concerning the provision of special educational services to the handicapped include Public Law 94-142, the federal "Education for all Handicapped" law, and Chapter 766 of the Massachusetts Acts of 1972, the state "Comprehensive Special Education" law. Public Law 94-142 guarantees "free and appropriate education" for all handicapped children and provides federal funds to help local educational agencies meet this obligation to the handicapped. This legislation became effective in September of 1978. Chapter 766, a Massachusetts special education law which is similar in content and intention, has been the law of the Commonwealth since September of 1974. In its effort toward compliance with Chapter 766, Massachusetts also approaches compliance with the more recent P.L. 94-142. In effect, Massachusetts has a four year headstart toward full compliance, and information on the Massachusetts experience with implementation of comprehensive special education legislation could prove valuable to educational planners who have just begun the process. It was the intention of this study to develop a framework for identifying problems of implementing comprehensive special education legislation based upon the Massachusetts experience.
A Statement of the Problem

Public Law 94-142, the "Education for all Handicapped" law, mandates free, appropriate educational opportunities for all handicapped individuals requiring special education services. In order to meet the requirements of that mandate, federal funds are made available to the state education agencies and, through them, to the local educational agencies. In order to obtain those funds, information and plans concerning implementation of the law are required at the local and the state level. This information is often difficult to obtain and even more difficult to assess. A variety of political, financial, and/or emotional issues can easily color the available information.

To obtain funds available under P.L. 94-142, LEAs must submit an application/plan to the appropriate SEA. The state agency is responsible for establishing procedures to be used by LEAs in the preparation of this application/plan. In addition, the SEA is required to develop a state plan which is similar to the local plans and which must be approved by the U. S. Commissioner of Education. When the state's annual application/plan has been approved, the state can then approve local plans. Only then can funds be locally disbursed.

In order to develop these plans and establish these procedures, information must be developed at the local level and integrated at regional and state levels. Obtaining this information in an accurate, consistent, and relevant format can become a major problem and a severe restraint upon successful and effective planning.
Four years previous to the passage of P.L. 94-142, Massachusetts enacted similar legislation and many problems were associated with the implementation of that law. Among those problems was the determination of the status of individual LEAs in relation to compliance with the law. Program audits of special education services in the individual LEAs were undertaken by the Division of Special Education of the Massachusetts State Department of Education. These audits were designed to provide both planning information and status information. The final report of the audit team feeds back into the LEA with recommendations, definition of problem areas, citations for non-compliance with the law, and recommendations for action. The report and the actions generated by the report become the basis for the next required annual plan of the audited LEA.

The information developed by the state audit teams concerning the identification of exemplary programs and practices and the definition of problem areas and the recommendations associated with this information is most useful to the SEAs and to the individual LEA for purposes of addressing specific or local problems. However, because this information is not gathered against a set of measurable standards, it can become relative, ambiguous, and subjective, and is not easily categorized. Although this type of formative information is valuable in assisting individual LEAs to come into compliance with the law, it is difficult to abstract across regions and across the state.

However, the information developed by the state audit teams concerning citations for non-compliance with the law is of a different
nature. This is summative information with each citation related to specific regulations of the law and grouped within specific topic areas. Each citation also describes the evidence of non-compliance and the source of that evidence, identifies the responsible staff, defines the necessary action, and indicates a timeline for action.

This type of information is particularly appropriate for development across regional and state levels and for projection against standardized guidelines for other areas or states.

The present system of program audit of special education services in Massachusetts emerged during the implementation of Chapter 766 and needed only minor modifications to accommodate those differences where P.L. 94-142 supercedes Chapter 766. It can be anticipated that other states, as they begin to implement this law, will have similar information needs for purposes of needs assessments, program design, allocation of resources, and documentation of compliance. To be useful for these purposes, this information must be uniform, specific, and accessible.

The Massachusetts experience with comprehensive special education legislation and the documentation of that experience in a uniform and codified format would provide a valuable framework for the other SEAs and LEAs as they move toward compliance with P.L. 94-142. At present, there is insufficient documentation of that experience across regional or state levels in forms which other SEAs or LEAs might use as a framework for developing their guidelines toward achieving compliance with P.L. 94-142 and for obtaining funds under that act.
The Purpose of This Study

The major purpose of this study was to develop a framework for identifying problems of implementing comprehensive special education legislation.

Since September of 1974, under Chapter 766, Massachusetts has had a comprehensive special education law similar to P.L. 94-142 which became effective in September of 1978. Many states are just now at the stage of compliance with this law that Massachusetts was in 1974 when Chapter 766 went into effect. Massachusetts has had a head start of four years experience toward full compliance with comprehensive special education legislation.

It was also the purpose of this study to examine a part of that experience of implementation through the analysis of a number of state-conducted special education program audits. Through an analysis of non-compliance issues at the local level a framework for identifying problems of implementing comprehensive special education legislation was constructed. Recommendations were developed from the data.

Finally, the purpose of this study was to develop data based on measurable criteria on the relative degree of compliance with the law of all the LEAs served by the Northeast Regional Center of the Massachusetts State Department of Education. The rationale was to demonstrate, on a regional basis, how currently available information might be arranged for planning purposes on the regional or state level rather than for investigative purposes at the local level. It also demonstrates how two available data sources, i.e. special education audit reports
and state-compiled per-pupil expenditures, can be easily integrated. Other data sources might be as easily integrated.

Significance of This Study

In September of 1978, P.L. 94-142, a comprehensive special education law, went into effect. Compliance with this legislation is now an issue for every school district and for every state department of education in the nation. Plans for implementation and compliance with this law are mandatory at the local and at the state level before federal funds can be made available. Information on the present and projected status of the special education delivery system within each state is necessary if needs are to be accurately assessed, if appropriate plans are to be developed, and if funds for implementation are to be quickly and effectively released.

Often, information on the status of LEAs is subjective, difficult to compile, non-standardized in format, and inappropriate for projection from region to region or across an entire state. It has been extremely difficult to translate any but the grossest statistics across state lines. This makes the task of assessing, planning, and disseminating models for the implementation of federal legislation as comprehensive as P.L. 94-142 formidable.

Massachusetts had four years of experience with a comprehensive special education law, Chapter 766 of the Acts of 1972. A part of that experience was the formulation of a special education program audit system.
Massachusetts developed procedures and methods to determine LEA compliance with the law which have been field-tested. A first cycle of non-voluntary evaluations has been completed. For this study portions of existing program audit reports were analyzed in order to develop information on a region-wide basis and in order to test a framework for arranging local, regional, statewide, and interstate information relative to compliance with special education legislation. Such compatible information would provide a basis for SEAs and LEAs to determine degrees of compliance with the law, to identify areas of strength and weakness, to make judgements on staffing patterns and responsibilities, to make estimates on timelines for action toward compliance, and to gather and project this information on a statewide or interstate basis.

The Design of This Proposed Study

A part of the Massachusetts implementation experience has involved a systematic evaluation of all special education programs in the state. Since 1976, the Division of Special Education has completed the first cycle of mandated program audits throughout the six regions of the state.

Every year each LEA in the Commonwealth must develop a plan for providing special education services and must submit that plan to the regional center. This plan is reviewed at the regional center and either approved or returned for clarification or changes. Periodically each LEA is to be visited by a state audit team to evaluate performance on the plan.
The Chapter 766 program audit process. In September of 1976, after a period of voluntary field-testing of the audit process, the Division of Special Education began the first cycle of special education program audits. These program audits are mandated for every LEA in the state and involve an on-site evaluation of each LEA's district-wide plan for providing special education services. The stated goals of the Chapter 766 program audit are as follows:

- To monitor the implementation of Chapter 766;
- To promote and assist with the development of quality education programs; and
- To provide the department [of Education] with necessary data for regional and statewide planning of special education programs.

In working toward these goals, the audit process assesses nine areas which have been identified as essential to a total special education program. These areas which will be described later in this chapter include:

- Staff Development and Administration
- Public Communication
- Services for Three and Four Year Olds
- Kindergarten screening
- Core Evaluation
- Program Delivery
- Physical Facilities
- Transportation
- Finance
The process used to assess these nine major areas of concern contains the following components for each program audit performed:

- Individual case studies
- Self-evaluation questionnaires
- On-site visits including interviews, observations, and archival reviews
- Final reports
- Follow-up assistance

Any non-compliance issues noted in the final report require remedial action. A timeline for correction is included and responsible persons or staff are identified. The Division of Special Education, through the regional center, offers technical assistance toward meeting the recommendations of the report and the changes effected become a part of the new LEA plan for special education which must be submitted annually. Each citation for non-compliance contains the following information:

- All citations list the specific Chapter 766 regulation which is applicable;
- All citations define the specific major area of concern;
- All citations identify the responsible person or staff;
- All citations present the sources of evidence of non-compliance; and
- All citations indicate an action timeline for effecting changes or implementing recommendations.

Elements of this study. This study has analyzed non-compliance issues against specific Chapter 766 regulations on a regionwide basis.
across nine major areas of concern in order to identify specific difficulties associated with the implementation of the law. The following elements have been a part of the study:

Cities and towns in the study. The Chapter 766 program audits examined in this proposed study were conducted by the Division of Special Education between March 1976 and April 1978. The school districts examined include a mix of urban, rural, and suburban populations. They include the following seventeen school districts served by the Northeast Regional Center of the State Department of Education:

- (Mar 76) - Ipswich Public Schools
- (Jun 76) - Westford Public Schools
- (Jun 76) - Billerica Public Schools
- (Feb 77) - Peabody Public Schools
- (Mar 77) - Lowell Public Schools
- (Apr 77) - Haverhill Public Schools
- (May 77) - Beverly Public Schools
- (May 77) - Andover Public Schools
- (Oct 77) - Lawrence Public Schools
- (Nov 77) - Marblehead Public Schools
- (Nov 77) - Wakefield Public Schools
- (Dec 77) - Saugus Public Schools
- (Feb 78) - Boxford, Topsfield, Middleton, Masconomet Public Schools
- (Jan 78) - Georgetown Public Schools
- (Mar 78) - Tewksbury Public Schools
- (Mar 78) - Dracut Public Schools
- (Apr 78) - Amesbury Public Schools

The nine areas of concern in the provision of special education services. The Division of Special Education, in the Chapter 766
Program Audit Team Leader's Handbook identifies the following areas of concern which are examined in every program audit:

- **Staff Development and Administration** - This area is examined to determine whether staff credentials, supervision, in-service training, and administrative structure facilitate the effective implementation of Chapter 766.

- **Public Communication** - This area is examined to determine the scope and effectiveness of communication with the public concerning Chapter 766.

- **Services for Three and Four Year Olds** - This area is examined to determine the extent to which required services for three and four year olds are provided.

- **Kindergarten Screening** - This area is examined to determine whether required screening procedures and follow-up are provided for Kindergarten children.

- **Core Evaluation** - This area is examined to determine the structure and effectiveness of the process for referral and evaluation of students in need of special services.

- **Program Delivery** - This area is examined to determine whether services required by educational plans are being provided in accordance with the intent of Chapter 766 and its regulations.

- **Physical Facilities** - This area is examined to determine whether the facilities used for delivering special services are appropriate.

- **Transportation** - This area is examined to determine whether appropriate transportation is provided for students with special needs.
Finance - This area is examined to determine adequacy and appropriateness of special education funding and budgetary processes.

Program audit citations. All non-compliance citations from the program audits conducted in the Northeast Region of the state, described previously in this section, were extracted from program audit reports for examination and analysis. All citations for non-compliance fall into one of the nine areas of concern described above. Each citation contains the following information:

- Each citation for non-compliance with Chapter 766 falls into one of the nine identified areas of concern.
- Each citation for non-compliance with Chapter 766 refers to the specific applicable regulations. Often, non-compliance with multiple regulations is indicated within a single citation.
- Each citation for non-compliance with Chapter 766 identifies the persons or staff responsible for effecting any changes or recommendations resulting from the citation.
- Each citation for non-compliance with Chapter 766 presents the sources of evidence examined by the program audit team. This includes information on what documents were examined, what people were interviewed, and what types of observations were conducted.
- Each citation for non-compliance with Chapter 766 indicates an action timeline for effecting changes or implementing recommendations of the program audit team.
Chapter 766 of the Massachusetts Acts of 1972 - A Massachusetts comprehensive special education law which went into effect in September of 1974. The stated purpose of this law was to "provide for a flexible and uniform system of special education program opportunities for all children requiring special education."  

Chapter 766 Program Audit - A periodic visit of a school system by an audit team appointed by the Division of Special Education in order to conduct an on-site evaluation of special education programs.

Child in Need of Special Education - "A child who has been determined by the Administrator of Special Education to need special education...based upon a finding that a child, 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 impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education."

First Cycle - After field-testing the audit process, the Division of Special Education, in September of 1976, began conducting program audits on a non-voluntary basis.

IEP - Individualized Education Plan. The plan containing the elements describing the needs of the child and the plan for addressing those needs.

LEA - The local educational agency directly responsible for providing or obtaining education services for all the children in the district, including children in need of special education.
Non-Compliance Issues - Sections of the final report of the program audit team include citations of issues of non-compliance. These citations are based on documented, direct violations of specific Chapter 766 regulations.

Northeast Region - One of the six regional subdivisions of the State Department of Education comprised of sixty-six cities and towns and nineteen school districts in the Northeast section of Massachusetts.

P.L. 94-142 - A federal, comprehensive special education law which went into effect in September of 1978. This "Education for all Handicapped" law mandates "free, appropriate educational opportunities for all handicapped individuals requiring special education services." 7

Regional Centers - An administrative subdivision of the State Department of Education. There are six such regional centers under the Massachusetts State Department of Education.

Regulations - Regulations for the implementation of Chapter 766 of the Acts of 1972 as issued by the Department of Education in cooperation with the Departments of Mental Health, Public Health, Public Welfare, and Youth Services under the authority of St. 1972, c. 766 and in accordance with the procedures set forth in G.L. c.30A.

SEA - The State Educational Agency responsible for overseeing the provision of both regular and special education services. In Massachusetts this is the State Department of Education.

Special Education - Everything which is required to be provided to a child in need of special education pursuant to the IEP for such child. 8
Assumptions of This Study

For purposes of this study, it was assumed that:

• The program audits of LEAs by the Division of Special Education were conducted in a consistent manner throughout the Northeast Region of the state.

• The standard against which the program audits were conducted was total compliance with Chapter 766.

• Issues of non-compliance identified in the Northeast Region of the state are similar to issues identified in other regions of the state.

• All non-compliance issues which were observed were reported.

• All first cycle program audits reflected comparable information on compliance with the law although the time of audit of individual LEAs ranged from March 1976 to April 1978.

Delimitations of This Study

• This study is limited to the LEAs served by the Northeast Regional Office of the State Department of Education.

• This study is limited to the first cycle of program audit reports.

• This study is limited to the portions of the program audit reports known as "Non-Compliance Issues."
Organization of This Study

This study is divided into five chapters. Chapter I provides an introduction to the study and contains background information, a statement of the problem addressed by the study, a definition of the purpose of this study, and a description of the significance of the study. It also includes a definition of the design of this study, terms used in the study, assumptions made by the study, limitations of the study, and the organization of the study.

Chapter II contains a review of key judicial decisions which set the stage for comprehensive special education legislation, a historical review of the federal legislation which preceded P.L. 94-142, and a review of the implementation and monitoring of Chapter 766 in Massachusetts.

Chapter III describes the methods and procedures used to gather and to analyze the data contained in the study.

Chapter IV contains an analysis of the data collected for this study. This data was analyzed using appropriate descriptive statistics and is presented in figures, charts, graphs, and narrative formats.

Chapter V includes a summary of the study, conclusions of the study, and recommendations resulting from the study.
ENDNOTES


2Chapter 766 Program Audit: Team Leaders Handbook; Commonwealth of Massachusetts, Department of Education, Division of Special Education, 1977.


4Massachusetts Acts of 1972, Chapter 766, Section I.

5Regulations; 103.0.

6Regulations; 107.0.


8Regulations; 122.0.
The judicial system is not unresponsive to societal values; future decisions may be influenced by changing societal values as well as changing concepts of children's rights. This process of changing societal values as well as changing concepts of children's rights has been succinctly expressed in P.L. 94-142, in which Congress declared that 'it is in the national interest that the Federal Government assist state and local efforts to provide programs to meet the educational needs of handicapped children in order to assure equal protection of the law.' Adjudication based upon P.L. 94-142 will give initiative in examining the status of children in accordance with fundamental constitutional guarantees and privileges.1

The first section of this chapter will review selected judicial decisions which have impacted upon the delivery of special education services and which have had major effects upon the design of P.L. 94-142. The second section will present a historical review of federal legislation concerning the education of the handicapped, including P.L. 94-142. The third section of this chapter will review the progress toward implementation and monitoring of Chapter 766, which preceded P.L. 94-142 in Massachusetts.

In order to guarantee that handicapped children are provided equal protection of the law and due process of law, Congress enacted P.L. 94-142 with the stated purpose of assuring:

...that all handicapped children have available to them...a free appropriate education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to
assist states and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.\textsuperscript{2}

This purpose has evolved over a period of time during which legislative and judicial efforts have focused ever more closely upon defining the rights of all citizens, including handicapped citizens, and assuring that these rights are not abridged. This has been particularly true in the area of education for the handicapped. Weintraub and Abeson state that:

This revolution to establish for the handicapped the same right to an education that already exists for the non-handicapped has been occurring throughout the nation, in state and local board rooms, state legislative chambers, and perhaps most importantly, in the nation's courts.\textsuperscript{3}

It is the intention of this study to examine in this chapter some of those occurrences in relation to the development and promulgation of P.L. 94-142.

A Review of Key Judicial Decisions Impacting P.L. 94-142

In 1972, Alan Abeson reported that approximately 70\% of the states had some form of mandatory legislation [for education of the handicapped]...In 1975, the Council for Exceptional Children reported that all but two states had adopted some form of mandatory legislation. It is interesting to note that the dramatic increase in mandatory legislation occurred at the same time as two important right to education cases were being adjudicated in the courts.\textsuperscript{4}

The two important right to education cases referred to by Barbacovi and Clelland are Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania (1972)\textsuperscript{5}, a class action suit concerning
statutes excluding retarded children from the state's educational pro-
gram, and Mills v. Board of Education of the District of Columbia
(1972), a civil action brought on behalf of seven children who had
been labeled as behavioral problems, mentally retarded, emotionally
disturbed, or hyperactive and had been excluded from publicly supported
special education. As a result of decisions in these cases, despite
the extent of the physical and/or mental handicapping condition, no
handicap class could be denied equal educational opportunities. All
children, regardless of any handicap or other disability, have a right
to a publicly-supported education suited to their needs.

Both these cases involved constitutional rights, under the fifth
and fourteenth amendments, to equal protection of the law and to due
process of law. "Both the PARC and the Mills cases found that the
total exclusion of handicapped children violates the equal protection
clause of the fifth and fourteenth amendments." Due process involves,
in part, the right to have laws applied with adequate safeguards so
that a person will not be subject to arbitrary and unreasonable actions.

In PARC v. Pennsylvania...the courts ordered exten-
sive due process procedures that provide in part
that before a child can be expelled, transferred, or excluded from a public education program, that
child or his parents or guardian have a right to
a fair hearing, a right to receive notice about
the hearing, and a right to have counsel present
at the hearing.

Both cases are considered to be the landmark decisions which cul-
minated decades of judicial effort toward defining the civil rights of
the individual as guaranteed by the constitution. As far back as 1923,
in Meyer v. Nebraska, the United States Supreme Court declared that
the fourteenth amendment obligates the states to guarantee to their citizens the right to learn—to "acquire useful knowledge." Since such a right necessarily requires training in the minimum skills required to acquire knowledge, it follows that due process also requires the states to discharge the obligation of providing a minimum education to the citizens. Further, the Supreme Court of the United States declared in the 1954 Brown v. Board of Education desegregation case:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.¹⁰

Thus, even though the Supreme Court of the United States has not ruled that the right to education is a fundamental right, it has ruled that all citizens have a right to learn and, if the state provides educational opportunities for any, it must provide those opportunities equally for all its citizens. However, defining that equality of opportunity and providing that equal protection of the law has involved, over the decades since Brown v. Board of Education, serious litigation involving the due process clauses of the fifth and fourteenth amendments. These clauses guarantee that "No person shall...be deprived of life, liberty, or property without due process of law."¹¹ "Nor shall any state deprive any person of life, liberty, or property without due process of law."¹² Both the federal and state governments are bound by these constitutional amendments in their exercise of power and every federal and state officer and official is bound, in the performance of their duties, to uphold the constitution.
When governmental agencies adjudicate or make binding determinations which directly affect the legal rights of individuals, it is imperative that they use the procedures which have traditionally been associated with the judicial process.13

Because the schools are state agencies, due process requirements have led legislators to increasingly formalize the procedures to be followed in decision-making and implementation of services for the individual child. A considerable portion of P.L. 94-142 involves the definition of procedures designed to guarantee such rights. In Dixon v. Alabama State Board of Education (1961), a case concerning whether or not students at a tax-supported college had a right to notice or a hearing before being expelled for misconduct, the court declared that "...whenever a governmental body acts so as to injure an individual, the Constitution requires that the act be consonant with due process of law."14 In re Gault (1967)15 determined that the due process clauses of the Constitution guaranteed to children 1) a right to notice of charges brought against them; 2) a right to counsel; 3) a right to confront and cross-examine witnesses; 4) privilege against self-incrimination; 5) a right to transcript of the proceedings; and 6) a right to appellate review.

These due process rights of children become increasingly relevant when placed in context with the judicial (and educational) concept of the "Least Restrictive Alternative" doctrine which has emerged since the Warren Court.

The relationship between due process and placement in the least restrictive alternative educational setting is extremely close...Some legal theorists have indicated that a decision to place a
handicapped child in any setting other than that used for his non-handicapped peers is inherently restrictive, and consequently, a deprivation of individual liberty, a circumstance which demands due process of law.16

In addition to these issues, the court has made decisions concerning the right to treatment (Rouse v. Cameron17 and Wyatt v. Aderholt18) and the right to equal educational opportunities for students from non-English-speaking backgrounds (Lau v. Nichols19). Wyatt v. Aderholt determined that institutionalized mentally ill or mentally retarded persons have a constitutional right to adequate treatment and the court set objectively measurable and judicially enforceable standards for adequate treatment. Lau v. Nichols determined that:

There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education. ...The district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.20

From this confluence of judicial decisions concerning the rights of children, the rights of minorities, the rights of the handicapped, the right to equal educational opportunities, the right to adequate treatment, the right to treatment in the least restrictive environment, and, above all, the right to equal protection of the law and due process of the law, came the basic shape and outline of P.L. 94-142, the "Education for All Handicapped" law.
Unfortunately, this bill promises more than the federal government can deliver... Everyone can agree with the objective stated in the title of the bill - educating all handicapped children in our nation. The key question is whether the bill will really accomplish that objective...21

Nearly twenty years of federal legislation and development came into focus when President Ford, despite his reservations, signed into law the Education for All Handicapped Children Act (P.L. 94-142) on November 29, 1975. Although P.L. 94-142 is comprehensive and contains many new features, it is firmly rooted in federal legislation begun in the late 1950's.

The Cooperative Research Act22 (P.L. 83-531) was approved by President Eisenhower in July 1954 but remained unfunded until 1957. When Congress finally appropriated the funding for this act it was determined that a major portion of the money was to be spent on research related to the education of the mentally retarded. This represented the first recognition by Congress of the need for categorical aid for the education of handicapped children since the origin of federal support for Gallaudet College in 1864 and the American Printing House for the Blind in 1879. P.L. 83-531 provided for a series of grants to institutes of higher education and to individual state departments of education for cooperative support of research, surveys, and demonstrations, and also for the dissemination of information developed from such efforts.
The 85th Congress approved two acts affecting the education of the handicapped which were signed into law in September of 1958. The first act, P.L. 85-905, "Captioned Films for the Deaf," was primarily concerned with cultural enrichment and recreation, although it had educational implications. The second act, P.L. 85-926, "Training of Professional Personnel," encouraged expansion of teaching capabilities in the education of mentally retarded children through grants to institutions of higher learning and to state educational agencies.

In 1959, P.L. 85-905 was amended by P.L. 87-715. This new act broadened the original act so as to provide for both the production and the distribution of captioned films.

Another new act approved in 1959, "Teachers of the Deaf" (P.L. 87-276), authorized support for training classroom teachers of the deaf. The federal government had, at this point, provided for the establishment of programs of support for training personnel in the areas of mental retardation and the deaf. This support included formal college programs at the undergraduate level, as well as special leadership or administrative training programs.

President Kennedy signed the "Mental Retardation Facilities and Mental Health Construction Centers Act" (P.L. 88-164) into law in 1963. This established a Division of Handicapped Children and Youth. The division brought together the captioned film program, and expanded both teacher training and research programs as defined by Section 302 of this law. The expanded teacher training program, Section 301 of P.L. 88-164, amended P.L. 85-926 by combining the areas of retardation
and deafness, and by expanding the authority to train personnel to work with handicapping conditions not previously mentioned. These handicapping conditions now also included hard of hearing, speech impaired, visually handicapped, seriously emotionally disturbed, and crippled.

The Division of Handicapped Children and Youth was disbanded after eighteen months when the United States Office of Education was reorganized following the passage of ESEA—the Elementary and Secondary Education Act of 1965 (P.L. 89-10). The programs previously administered by the division were placed in separate administrative units within the new structure. As the implementation of ESEA progressed, handicapped children shared in the benefits. Title I reached children with handicapping conditions in low income areas through local education agencies (LEA). Title III provided support for some new programs through provisions for supplemental centers and support for innovative programs. Provisions from other titles offered some aid for educating the handicapped. However, the major thrust of ESEA was toward serving economically disadvantaged children, and toward serving the general educational community. No specific provisions for the handicapped were made.

With the passage of P.L. 89-313 in November of 1965, a major step was taken toward the goal of more adequately serving children with handicapping conditions. Section 6 of this Act amended Title I of ESEA to provide support to those state agencies which were directly responsible for educating handicapped children. Previously, Title I worked through LEAs. State operated or supported schools for the deaf, blind, retarded, etc. were not eligible for Title I aid. Section 6 of P.L. 89-313 provided for the funding of personnel, services, and equipment
for state schools and institutions for the handicapped. In so doing, it set another precedent in the provision of categorical aid for the education of handicapped children.

The 1966 ESEA Amendments (P.L. 89-750) added Title VI, "Education of the Handicapped." This law had three main provisions:

- A national advisory committee on handicapped children was instituted;
- A program of grants to states for the initiation, expansion, and improvement of programs for educating handicapped children in pre-school, elementary and secondary schools was initiated; and
- A bureau within USOE, to provide coordination and leadership for programs affecting handicapped children, was created.

The creation of this Bureau of Education for the Handicapped (BEH) raised education for the handicapped to full parity with the other USOE programs and placed specialists in the education of the handicapped at top policy-making levels within USOE.

In the following year, the 1967 ESEA Amendments (P.L. 90-247) provided the broadest program of benefits for the education of handicapped children which had been enacted to that date. The provisions affected every facet of the BEH program including manpower, media, research, and the direct support of children in the schools. The 1967 Amendments provided for the following:

- Regional Resources Centers;
- Recruitment of personnel into the field of education for the handicapped;
• Development and dissemination of information about programs;

• Expansion of the media programs to include all handicapped children;

• Centers and services for deaf and blind children;

• The earmarking of 15 percent of Title III funds for programs and projects for the education of the handicapped;

• Increased Title I funding for children in state operated and supported schools for the handicapped;

• Extension and expansion of the program for research in the education of the handicapped; and

• Changes in Title VI grants to states designed to insure that Title VI programs be of sufficient quality and magnitude to offer reasonable possibility of effectiveness.

"From January 1970 to November 1975, sixty-one bills were passed that directly pertained to the handicapped.\textsuperscript{32} Included among these was the Education Amendments of 1974\textsuperscript{33} (P.L. 93-380) which made changes in the advancement of state and local plans for providing for the education of the handicapped. P.L. 93-380 contained optional timelines for making educational programs available to handicapped children. Provision for due process was included in P.L. 93-380 and funding for the provisions remained competitive. In addition to these new provisions to the "Education for the Handicapped Act," P.L. 93-380 also brought changes to P.L. 83-313 programs by requiring that all children in participating agencies be provided an education which was comensurate with their special needs and which met state education agency standards. Under
this act, it also became possible for funds to revert to the community of a handicapped person when that person left an institution and attended a school in his community.

Building upon the purposes and intents of this previous federal legislation, the federal "Education for All Handicapped Children Act"\(^{34}\) (P.L. 94-142) was the result of intensive legislative development hearings conducted by both chambers of Congress. Those hearings resulted in:

- The approval of the Senate version of P.L. 94-142 (S.6);
- The passage of the House of Representatives version (HR 7217);
- The approval of the joint House-Senate compromise bill (The Conference Agreement) on November 14, 1975; and finally
- The signing of the legislation into law on November 29, 1975 by President Ford.

In 1966, when the original "Education for the Handicapped Act"\(^{35}\) was passed, the primary objective was to provide grants to states for the general extension and improvement of special education programs for handicapped children. The purposes advanced in the P.L. 94-142 amendments to the law are more explicit and far-reaching. The new purposes are:

To assure that all handicapped children have available to them a free and appropriate public education;
To assure that the rights of handicapped children and their parents are protected;

To aid states and localities in providing for the education of all handicapped children; and

To assess the effectiveness of efforts to educate handicapped children.\textsuperscript{36}

P.L. 94-142 marks a change in federal support of education in that, by mandate, state and local school systems must establish policies of providing free public education for all of America's handicapped children. Previous laws have been permissive, providing federal aid as an incentive to the state and local agencies.\textsuperscript{37} P.L. 94-142 is especially noteworthy in that it was established as one of the few pieces of permanent federal legislation. The authority established has no expiration date.\textsuperscript{38}

The BEH responsibilities have changed with the passage of P.L. 94-142. BEH is now directly responsible for administration, implementation, monitoring, and compliance activities of the new law.\textsuperscript{39}

P.L. 94-142 is a complete revision of Part B only of the "Education of the Handicapped Act." The other components of the Acts (Parts A and B through G) remain substantially unchanged and operative. This revision mandates that the states and localities must guarantee the availability of a free and appropriate public education to all handicapped children between the ages of 3 and 18 by September 1, 1978. The same guarantee must be made for all handicapped children aged 3 to 21 by September 1, 1980. If the requirement is inconsistent with state
law or practice or inconsistent with any court order, however, the
guarantee is not required in the 3 to 5 and 18 to 21 age groups.

Handicapped children are defined as:

mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired, or children with specific learning disabilities who, by reason thereof, require special education and related services.

The law addresses the education of children falling within this definition who, by reason of their handicap, need special education and related services in order to learn. The act defines special education to mean specially designed instruction, at no cost to parents or guardians, which may take place in a special class, or which may be a specially designed program developed to be carried out in a regular classroom setting. It also includes physical education and instruction in homes, hospitals, and institutions. This special education is to be provided to handicapped children in the least restrictive environment. Both the state and its localities must adhere to the stipulation that, to the maximum extent appropriate, handicapped children should be educated with children who are not handicapped. This does not imply that all handicapped children be placed in regular classes, but rather, that removal of handicapped children from regular classes occur only when the nature or severity of the handicap is such that education in regular classes with supplementary services and aids may not be accomplished satisfactorily.

Related services are defined in section 4 of the law to include transportation, as well as such developmental, corrective, and supportive
services as speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services. Allocations for medical and counseling services, however, are limited to diagnostic and evaluative purposes. Related services may be used in assisting handicapped children to benefit from special education, and in the early identification and assessment of handicapping conditions in children.

P.L. 94-142, Section 4, requires that each handicapped child have a written individualized education program (IEP) to be designed initially in consultation with parents or guardians and, whenever appropriate, with the child. The IEP will include a statement concerning the present levels of educational performance, a statement of annual goals, including short-term instructional objectives, a statement of specific services to be provided, the extent to which the child will be able to participate in regular classroom timetables, and evaluation procedures. The IEP must also include a schedule for review and revision at least annually.

P.L. 94-142 makes stipulations which must be adhered to by both the state and the localities. The first stipulation is that, within each disability, there must be assurance of priority in the expenditure of funds to the unserved, and then to the inadequately served. Unserved usually refers to children who are not in school at all and who will have to be located and evaluated before specific instructional plans can be designed and services rendered.

The law requires written stipulations from the states in the form of annual state plans submitted to the U. S. Commissioner; it also
requires that local school districts submit their own plans. These forms constitute an application for federal entitlement under P.L. 94-142. The stipulations of the law include assurances of:

- extensive child identification procedures;
- "full service" goals and detailed timetables;
- complete due process procedures;
- regular parent or guardian consultation;
- proper maintenance of programs and procedures for comprehensive personnel development, including in-service training;
- special education being provided to all handicapped children in the "least restrictive" environment;
- non-discriminatory testing and evaluation;
- guaranteed policies and procedures to protect the confidentiality of data and information;
- adequate provisions for individualized programs for all handicapped children;
- effective policy guaranteeing the right of all handicapped children to a free and appropriate public education, at no cost to parents or guardian; and
- a surrogate to act for any child when parents or guardians are either unknown or unavailable, or when said child is a legal ward of the state.

The state agency is responsible for monitoring local school districts with respect to these situations. The U. S. Commission, on the other hand, has monitoring responsibilities for each state agency's educational compliance.
P.L. 94-142 expands the due process provisions of P.L. 93-380 to include steps:

- to strengthen the rights of all involved;
- to conform more precisely to court decrees;
- to clarify existing law;
- to guarantee the rights of all parties relative to potential court review; and
- to insure maximum flexibility in order to conform to the varying due process procedures among the states.  

P.L. 94-142 authorized, subject to appropriation, the federal government to pay a gradually escalating percentage of the cost of educating handicapped children. The formula used for determining funding multiplied the national average expenditure per public school child by the total number of handicapped children being served. The authorized percentage increased yearly until Fiscal Year 1982, when it became a permanent 40 percent for that and all subsequent years.

No state is permitted to count, for purposes of entitlement, more than 12 percent of its total population, aged 5 to 17. This limit relates only to the federal entitlement and in no way places a limit on the number of children assessed as handicapped by the states and localities. This limitation has no relation to the mandates contained in P.L. 94-142 for serving all handicapped children.

The funding provisions of the law provided for substantial pass-through to local school districts. In Fiscal Year 1978, 50 percent of each state's funds were allocated to that state's education agency and 50 percent to LEAs. In Fiscal Year 1979, and thereafter, 75 percent
of the funds must go to the LEAs. If an LEA is unable to generate an entitlement of at least $7,500, a pass-through to that district may not occur. This provision has obvious implications for the formation of educational consortia to enable smaller school districts to obtain funding.

P.L. 94-142 requires that the state education agency must be responsible for ensuring that requirements of the act are carried out, and that education programs for all handicapped children within the state, including all such programs administered by any other state or local agency, must meet the state education agency's standards. Further, the law stipulates that the program must be under the general supervision of persons responsible for the education of handicapped children. This provision establishes a single line of authority within one state agency.

P.L. 94-142 is landmark legislation in the field of special education. The impact of this law will involve every segment of the American educational system. Rostetter calls the passage and support of P.L. 94-142 an indication of national commitment to special education.

However, this commitment was not formulated in a vacuum. The federal legislation cited describes the evolution of more comprehensive special education to its present form, P.L. 94-142 partially in response to judicial decisions which have had an impact on the design of this law.

The next section of this review describes similar legislation at the state level in the Commonwealth of Massachusetts and that state's attempts to monitor the implementation of such comprehensive legislation.
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;... 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.45

Like P.L. 94-142, Chapter 766 of the Massachusetts Acts of 1972 is a comprehensive special education law. Its stated purpose, quoted above, is remarkably similar to that of P.L. 94-142 which was "... that all handicapped children have available to them...a free appropriate education which emphasizes special education and related services designed to meet their unique needs..." 46 There are differences between these laws but their purposes, approaches, and underlying philosophies are similar and compatible.

It is not the purpose of this review to examine the individual similarities and differences between the two laws. The most important point, in terms of this study, is that, while both laws were generated from similar social and judicial concerns, and while both are similar in philosophy, intention, and content, Chapter 766 became effective in Massachusetts in September 1974 while P.L. 94-142 did not take effect nationally until September of 1978. It can be presumed that some of the Massachusetts experience in the implementation of this legislation
will be repeated elsewhere in the nation as other states struggle towards compliance with the law.

Confronted with the reality of the legal duty to assure equal educational opportunity for all children, some school systems have made extraordinary efforts, some have announced their outright defiance, and some have merely done nothing. 47

To determine which school systems were making extraordinary effort, which were defiant, and which were merely doing nothing, the Division of Special Education of the Massachusetts Department of Education was empowered to monitor compliance with the provisions of the law. Among the powers and duties of the Division of Special Education established by Chapter 766 are 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...
(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; and...
(5) to periodically review and analyze said data in order to evaluate said programs... 48

The regulations for Chapter 766 state that:

The Division shall recommend to the Board of Education that it withhold funds for special education from cities, towns, or school districts, or private schools or agencies which do not comply with regulations or statutes related to special education or do not carry out plans for such compliance within a reasonable period of time... 49
In order to discharge these duties and obligations, the Division of Special Education formed a task force to monitor the implementation of Chapter 766. The task force consisted of representatives from each of the six regional education centers and from the central office. This group was responsible for the development of the audit process and the instruments for conducting those audits. One year was spent field testing the instruments and the process in twenty-two volunteer school districts located throughout the state.

The first cycle of program audits of all special education services began in September of 1976. These program audits by the Division of Special Education are non-voluntary and are separately conducted for each school district in the Commonwealth.

Annually, every school district must develop a plan for providing services to special needs students and submit that plan to the regional office for approval. The regional office approves the plan or returns it for clarification and modification until it is approved. Periodically, this plan is evaluated by a program audit team which conducts an on-site examination of the plan to

Monitor the implementation of Chapter 766...to promote and assist with the development of quality special education programs...and to provide the Department with necessary data for regional and statewide planning of special education programs. 50

Among the data collected at these periodic on-site evaluations are citations for non-compliance with Chapter 766. These citations are keyed to the Regulations for the Implementation of Chapter 766
and provide precise information on the relative status of each school district in terms of compliance with various areas of the law. The information contained in those reports will begin to emerge within each region and from region to region throughout the state. An accurate assessment of the status of special education programs several years after beginning the implementation of comprehensive special education legislation should be a valuable guide to those in Massachusetts and elsewhere who are charged with the development of educational programs for all the children of our nation.
ENDNOTES


2 Public Law 94-142; Sec. 601 (c).


4 Barbacovi and Clelland, Public Law 94-142: Special Education in Transition, p. 3.


11 U. S. Constitution, Amendment V.

12 U.S. Constitution, Amendment XIV.


34 Public Law 94-142.

35 Public Law 89-750.


38 J. Jones, "Federal Aid to States," Exceptional Children 43 (November 1976), pp. 138-139.


40 P.L. 94-142, Section 602.

41 P.L. 94-142, Section 4.


43 J. Jones, "Federal Aid to States."

44 D. Rostetter, Education and Training of the Mentally Retarded.
45 Massachusetts Acts of 1972, Chapter 766, Section 1.

46 P.L. 94-142, Section 601 (c).


48 Chapter 766, Section 2.

49 Regulations, 215.0.

CHAPTER III

THE METHODS AND PROCEDURES OF THIS STUDY

This section of the study describes the sources of data for this study, the procedures used to complete and prepare the data for this study, and the methods used to examine, analyze, and describe the data.

Data Sources

All data collected for this study was developed from pre-existing archival sources developed and maintained by the Massachusetts Department of Education. The primary data sources included the following:

- Chapter 766 Program Audit: Final Reports;
- 1977-1978 Per-Pupil Expenditures: Massachusetts Department of Education;
- 1978-1979 Per-Pupil Expenditures: Massachusetts Department of Education; and
- Chapter 766 Regulations: Massachusetts Department of Education.

Chapter 766 program audit final reports were reviewed for citations of violation of Chapter 766. For each of the seventeen school districts, every citation for non-compliance was examined and the following data was entered into SPSS files:

- The name of the school system;
- The date of the audit;
- The total number of citations for violation of Chapter 766 regulations;
- The number of each specific regulation which was violated;
• The area of concern in which each violation was registered;

• The staff member(s) with primary responsibility for remediating each non-compliance issue;

• The staff member(s) with secondary responsibility for remediating each non-compliance issue;

• The primary source of evidence upon which each violation was based;

• The secondary sources of evidence upon which each violation was based;

• The tertiary source of evidence upon which each violation was based; and

• The specific timeline for each corrective action to bring the school system into compliance with the regulation which was violated.

From the per-pupil expenditure booklets, data was registered for each school district and the following data for school years 1977-1978 and 1978-1979 was entered into SPSS files:

• The state-assigned town number for each school district included in the study;

• The state-assigned designation of kind of community, e.g. "big city," "industrial suburb," "residential suburb," or "other" for each school district included in the study;

• The number of pupils in each school district;

• The per-pupil expenditures for regular day programs;

• The per-pupil expenditures for special needs programs; and

• The per-pupil expenditures for all day programs.

The sample of school districts in this study included the following seventeen school systems, all served by the Northeast Regional Center of the State Department of Education:
All school systems included in this study were audited between March 1976 and April 1978.

For this study, a total of 309 citations for violation of Chapter 766 regulations were examined. The specific regulation number for each violation was recorded.

The auditing of each school system involves an examination of school practices and procedures in terms of the regulations in nine major areas of concern. All violations are grouped under one of these nine areas which include the following:

- Staff development and administration;
- Public communication;
- Services for 3 and 4 year olds;
- Kindergarten screening;
- Core evaluation;
- Program delivery;
- Physical facilities;
- Transportation; and
- Finance.

Each citation for violation of Chapter 766 regulations identifies the school staff members with primary and with secondary responsibility.
for remediation of the violation and also imposes a timeline for accomplishment of the recommended corrective actions. This data was entered into SPSS files for every violation which was recorded. Responsible staff members specifically cited as responsible for remediation included the following:

- School committee
- Superintendent
- Special education director, special education administrator, director of pupil personnel
- Principal
- Early childhood specialist
- Supervisor of special needs, core team chairperson

Finally, the primary, secondary, and tertiary source of evidence which supported each specific violation was recorded and entered into the files. These sources of evidence included the following:

- interviews
- on-site visits
- case studies
- document review
- missing forms document
- questionnaires
- regional education center
- SPED-5 forms

Procedures and Data Preparation

Upon completion of the first cycle of on-site audit of special education programs by the State Department of Education, copies of the Chapter 766 program audit: final report were obtained for each of the school districts in the Northeast region of the state. LEA consortia
were not included, but the remaining seventeen school districts formed the sample for this study.

Each final report was the result of an on-site evaluation of school practices, procedures, facilities, and documentation by the State Department of Education. Each final report included:

- Statements of commendation for particular programs and practices which are exemplary or have been implemented well;

- Statements of problem areas which were identified in the special education programs or practices of the school districts including recommendations toward solution of the particular problems described;

- Statements of non-compliance issues, identified issues, practices, procedures, or facilities which violate the Chapter 766 regulations. Each citation included the area of concern, the specific issue, the evidence of non-compliance, and the regulation number which was violated, as well as recommendations toward remediation, timeline for remediation, and staff responsible for remediation.

Because the non-compliance citations represented the most serious situations, and because each citation was referenced to a specific defined and organized statewide regulation, the information on the citations was compiled and utilized to draw comparisons between different school systems and different kinds of school systems. In addition, a description of the areas of concern was drawn in terms of difficulty of implementation and a description of incidence of regulations violated helped to indicate which specific tasks remain to be
accomplished. The information contained in the non-compliance cita-
tions, in conjunction with the demographic information entered con-
cerning school populations and per-pupil expenditures in various cate-
gories, provided a basis for a broad-based analysis of the status of
special education programs and procedures in the Northeast region of
the Commonwealth.

All data from the Chapter 766 audit final report and from the
per-pupil expenditures were coded for each of the 309 separate viola-
tions and each of the seventeen school districts. Data was keypunched
and entered into an SPSS (Statistical Package for the Social Sciences)
file utilizing the Cyber computer at the University of Massachusetts
Computer Center. Standard descriptive statistical operations of the
data sets which were generated is presented in the following chapter.

In effect, a data base developed in the course of investigating
local compliance with special education regulations was arranged so
that it could be aggregated for a larger group of LEAs and integrated
with other existing data bases for purposes of research, information,
and planning at the regional, state, or inter-state level.
CHAPTER IV
AN ANALYSIS OF THE DATA

This section of the study presents an analysis of the data developed in the course of this study. This data was derived through an examination of reports resulting from state-conducted audits of special education programs in Massachusetts schools.

It was found that Massachusetts special education program audit reports contained information on the implementation of special education regulations which could be readily integrated through a computerized format into a broad and consistent data base for internal comparison and comparison against other data bases. The utility of such a data base founded on measurable criteria (the Chapter 766 Regulations) was tested to examine some of the ways in which factors affecting the provision of special education could be isolated and compared.

The results of that testing involve comparisons among seventeen LEA's located in the Northeast region of Massachusetts. Data was drawn from each individual LEA's special education audit report and from the State Department of Education publication, "Per-Pupil Expenditures 1978 and 1979." It should be emphasized that these test results are only indicative of the kinds of information which could be drawn from the in-place and on-going audit report process.

Following is an analysis of data developed from audit reports concerning the provision of special education services by various school districts in accordance with Chapter 766 of the Massachusetts Acts of 1972. Data is developed, described, and analyzed in terms of:
• The school districts which were audited by the Massachusetts Department of Education for compliance with Chapter 766;

• The areas of violation which were cited for non-compliance in the audit reports; and

• The specific Chapter 766 regulations which were violated by the school districts and cited in the audit reports.

Descriptions of the School Districts Audited

Audit reports from seventeen Massachusetts school districts were analyzed to develop the data contained in this study. All the school districts examined are located in the Northeastern part of Massachusetts, Department of Education Region Two. The Massachusetts State designation of each of these school districts by identification number and by "kind of community" is included in Table 1 along with the date when the state conducted its audit of each school district's special education programs.

Audits were conducted between March 1976 and April 1978 with the majority of audits (9) taking place during the 1977/1978 school year. The following data on pupil population, per-pupil expenditures, and program costs were derived from the Massachusetts Department of Education publications "Per-Pupil Expenditure: 1977/1978" and "Per-Pupil Expenditure: 1978/1979." Information on the number of citations for violation of Chapter 766 regulations was taken from the individual audit reports for each school district. Table 2 shows relationships between the kinds
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<td>Lowell</td>
<td></td>
<td>160</td>
<td></td>
<td>March 1977</td>
</tr>
<tr>
<td>Peabody</td>
<td></td>
<td>229</td>
<td>Industrial Suburb</td>
<td>February 1977</td>
</tr>
<tr>
<td>Andover</td>
<td></td>
<td>009</td>
<td></td>
<td>May 1977</td>
</tr>
<tr>
<td>Beverly</td>
<td></td>
<td>030</td>
<td></td>
<td>May 1977</td>
</tr>
<tr>
<td>Boxford</td>
<td></td>
<td>038</td>
<td>Residential Suburb</td>
<td>February 1978</td>
</tr>
<tr>
<td>Marblehead</td>
<td></td>
<td>168</td>
<td></td>
<td>November 1977</td>
</tr>
<tr>
<td>Saugus</td>
<td></td>
<td>262</td>
<td></td>
<td>December 1977</td>
</tr>
<tr>
<td>Tewksbury</td>
<td></td>
<td>295</td>
<td></td>
<td>March 1978</td>
</tr>
<tr>
<td>Wakefield</td>
<td></td>
<td>305</td>
<td></td>
<td>November 1977</td>
</tr>
<tr>
<td>Amesbury</td>
<td></td>
<td>007</td>
<td></td>
<td>April 1978</td>
</tr>
<tr>
<td>Billerica</td>
<td></td>
<td>031</td>
<td>Other</td>
<td>June 1976</td>
</tr>
<tr>
<td>Dracut</td>
<td></td>
<td>079</td>
<td></td>
<td>March 1978</td>
</tr>
<tr>
<td>Georgetown</td>
<td></td>
<td>105</td>
<td></td>
<td>January 1978</td>
</tr>
<tr>
<td>Ipswich</td>
<td></td>
<td>144</td>
<td></td>
<td>March 1976</td>
</tr>
<tr>
<td>Westford</td>
<td></td>
<td>326</td>
<td></td>
<td>June 1976</td>
</tr>
<tr>
<td>KIND OF COMMUNITY</td>
<td>STUDENT POPULATION</td>
<td>NUMBER OF VIOLATIONS</td>
<td>VIOLATIONS PER THOUSAND STUDENTS</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------</td>
<td>----------------------</td>
<td>---------------------------------</td>
<td></td>
</tr>
<tr>
<td>BIG CITY</td>
<td>34,760 32.4%</td>
<td>134 43.4%</td>
<td>3.86</td>
<td></td>
</tr>
<tr>
<td>INDUSTRIAL SUBURB</td>
<td>9,927 9.2%</td>
<td>18 5.8%</td>
<td>1.81</td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL SUBURB</td>
<td>36,341 33.9%</td>
<td>98 31.7%</td>
<td>2.70</td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td>26,236 24.5%</td>
<td>59 19.1%</td>
<td>2.25</td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>107,264 100.0%</td>
<td>309 100.0%</td>
<td>2.88</td>
<td></td>
</tr>
</tbody>
</table>
of communities audited, the number of pupils served, and the number of citations for violation of Chapter 766 regulations.

For the school year 1977/1978 more than 107,000 students were provided for by the school districts examined in this study. This included approximately one out of every ten (9.72%) students who are the responsibility of Massachusetts primary and secondary school systems. Table 1 shows that only one school district, Peabody, is defined by the state as an industrial suburb. The three school districts described as big cities, Lowell, Lawrence, and Haverhill, account for 32.4% of the pupils in the schools examined and for 43.4% of the total citations for violations of Chapter 766 regulations.

Among the school districts audited, those identified as big cities had the highest rate of violations. The average rate of violation for all school districts studied was 2.88 violations per thousand students while the rate of violations for big city school districts was 3.86 violations per thousand students or 34% higher than the average rate of violation.

A more detailed presentation of these relationships is contained in Table 3. The population figures are based upon the "net average membership" of each school district. This figure is defined by the Department of Education as "...the sum of pupils in local schools, other public school districts, and in special needs day and residential schools." The "integrated per pupil cost" figures are calculated by the Department to represent "...the average cost of education for all children residing in a community regardless of the district where they
### TABLE 3


<table>
<thead>
<tr>
<th>School District</th>
<th># Pupils (Net Avg Membership)</th>
<th>Integrated Per-Pupil Costs</th>
<th>Violations Per Thous.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>77/78</td>
<td>78/79</td>
<td>% Shift</td>
</tr>
<tr>
<td>Lowell</td>
<td>15,709</td>
<td>16,054</td>
<td>+ 2.20</td>
</tr>
<tr>
<td>Billerica</td>
<td>10,687</td>
<td>9,268</td>
<td>- 13.28</td>
</tr>
<tr>
<td>Lawrence</td>
<td>10,083</td>
<td>10,082</td>
<td>--</td>
</tr>
<tr>
<td>Peabody</td>
<td>9,927</td>
<td>9,340</td>
<td>- 5.91</td>
</tr>
<tr>
<td>Haverhill</td>
<td>8,986</td>
<td>9,387</td>
<td>+ 4.67</td>
</tr>
<tr>
<td>Beverly</td>
<td>6,928</td>
<td>6,705</td>
<td>- 3.22</td>
</tr>
<tr>
<td>Tewkesbury</td>
<td>6,858</td>
<td>6,444</td>
<td>- 6.04</td>
</tr>
<tr>
<td>Andover</td>
<td>6,282</td>
<td>5,992</td>
<td>- 4.62</td>
</tr>
<tr>
<td>Saugus</td>
<td>5,808</td>
<td>5,462</td>
<td>- 5.96</td>
</tr>
<tr>
<td>Wakefield</td>
<td>4,994</td>
<td>4,954</td>
<td>--</td>
</tr>
<tr>
<td>Dracut</td>
<td>4,776</td>
<td>4,467</td>
<td>- 6.47</td>
</tr>
<tr>
<td>Marblehead</td>
<td>4,059</td>
<td>3,796</td>
<td>- 6.48</td>
</tr>
<tr>
<td>Westford</td>
<td>3,802</td>
<td>3,746</td>
<td>- 1.47</td>
</tr>
<tr>
<td>Amesbury</td>
<td>3,048</td>
<td>3,142</td>
<td>+ 3.08</td>
</tr>
<tr>
<td>Ipswich</td>
<td>2,359</td>
<td>2,158</td>
<td>- 8.52</td>
</tr>
<tr>
<td>Georgetown</td>
<td>1,564</td>
<td>1,555</td>
<td>--</td>
</tr>
<tr>
<td>Boxford</td>
<td>1,412</td>
<td>1,359</td>
<td>- 3.75</td>
</tr>
<tr>
<td><strong>SAMPLE TOTALS</strong></td>
<td><strong>107,264</strong></td>
<td><strong>103,911</strong></td>
<td><strong>- 3.13</strong></td>
</tr>
<tr>
<td><strong>STATE TOTALS</strong></td>
<td><strong>1,103,823</strong></td>
<td><strong>1,076,445</strong></td>
<td><strong>- 2.48</strong></td>
</tr>
</tbody>
</table>
attend school." This cost includes local operating costs for membership in regional school districts, and tuition paid to other schools.

During the school year 1977/1978, the net average membership of the school districts studied ranged from 1,412 pupils (Boxford) to 15,709 pupils (Lowell). Of the 107,264 pupils provided for by the school districts studied, nearly one-third of the pupils (32.4%) lived in school districts classified by the state as big cities.

While the number of pupils in Massachusetts declined by 2.48% between school year 1977/1978 and school year 1978/1979, the number of pupils in the school systems declined by 3.13% for the same period. However, two of the three big cities included in this study, Lowell and Haverhill, showed an increase in enrollment while the third big city, Lawrence, maintained the same enrollment for both years. Two other school systems, Wakefield and Georgetown, showed enrollment changes of less than one percent, and one other town, Amesbury, showed an increase in enrollment. The remaining eleven school districts in this study all show declining enrollments ranging as high as 13.28% for Billerica. With the exception of the town of Westford, the rate of declining enrollment for all those receding school districts is much steeper than the statewide average.

During the school year 1977/1978 the integrated per-pupil costs of the school districts studied ranged from $1488/pupil (Dracut) to $1948/pupil (Ipswich). Only four of the seventeen school districts studied exceeded the state average per-pupil cost of $1821. Three of those four school districts (Boxford, Georgetown, and Ipswich) have a
pupil population of less than 2400 and are the smallest school systems in the study.

Of the 107,264 pupils included in the school districts studied, only 10,329 students lived in towns which spent more than the state average per-pupil cost of $1821 for school year 1977/1978. More than 90% of the students served by school districts examined for this study lived in systems where the integrated per-pupil operating costs were below the state average. The average cost in school year 1977/1978 for those school systems studied was $1673/pupil or 8.1% below the average statewide cost of $1821/pupil.

Costs per pupil for the state school systems rose by 9.45% to $1993/pupil between school year 1977/1978 and school year 1978/1979. The same rate of increase is found in the school systems examined for this study. Integrated per-pupil costs for those school systems rose by 9.21% from an average cost of $1673/pupil to $1827/pupil in school year 1978/1979 (see Table 4). All school systems in the study, with the exception of Amesbury which lowered the cost per pupil by 2.67%, showed increases in costs per pupil ranging from 1.0% (Haverhill) to 41.0% (Marblehead). The average 1978/1979 per-pupil cost of $1827 for the schools included in this study remains 8.33% below the average state cost of $1993 per pupil in school year 1978/1979.

The audits of special education programs in seventeen school districts showed a total of 309 citations for violations of Chapter 766 regulations. The number of violations ranged from no violations (Dracut) to sixty-one violations (Lawrence). Dracut was the only school system which registered no violations.
TABLE 4

PERCENTAGE OF CHANGE IN PUPIL POPULATION AND COSTS IN SAMPLE SCHOOL DISTRICTS AND IN STATEWIDE SCHOOL DISTRICTS FROM 77/78 TO 78/79

<table>
<thead>
<tr>
<th></th>
<th>Number of Pupils</th>
<th>Costs Per Pupil</th>
<th>Total Operations Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Districts in this Study</td>
<td>- 3.13%</td>
<td>+ 9.21%</td>
<td>+ 5.91%</td>
</tr>
<tr>
<td>n* = 107,264</td>
<td>n = $1673</td>
<td>n = 179,422,306</td>
<td></td>
</tr>
<tr>
<td>School Districts Statewide</td>
<td>- 2.48%</td>
<td>+ 9.45%</td>
<td>+ 6.77%</td>
</tr>
<tr>
<td>n = 1,103,823</td>
<td>n = $1821</td>
<td>n = 2,009,638,947</td>
<td></td>
</tr>
</tbody>
</table>

*All n's based on 77/78 figures.

For all school systems examined, an average of 2.88 citations per thousand pupils was registered. The rate of citations per thousand pupils ranged from 0.0 (Dracut) to 10.83 (Amesbury). Six of the school districts had a rate of violation higher than this average and eleven districts had a lower rate of violation.

Table 4 compares the school districts which have been included in this study with all the school districts in the State of Massachusetts in terms of number of pupils and costs per pupil in school year 1977/1978 and school year 1978/1979. The net average membership of pupils in Massachusetts declined by 2.48% in school year 1978/1979 while the number of students in the school systems studied declined by 3.13%. Costs per pupil in Massachusetts rose by 9.45% while costs per pupil
rose by 9.21% for the school systems studied. The total cost of operations increased in school year 1978/1979 by 6.77% for all of Massachusetts. Operational costs in the school systems of this study increased by 5.91%. Taken together, in the school systems this study examines, enrollment is declining more rapidly than the state average and costs, both total operational costs and costs per pupil, are rising less rapidly than the state average.

The rate of citations for violations of Chapter 766 regulations per thousand students was examined in terms of the size of the school district (pupil population) and in terms of per-pupil costs. In Table 5, all the school systems examined were placed in cells with the following parameters:

- Per-pupil costs: High - $1800 - $2000/pupil
  Medium - $1600 - $1800/pupil
  Low - $1400 - $1600/pupil

- Pupil population: High - 8500 - 16,000 pupils
  Medium - 4500 - 8500 pupils
  Low - 1000 - 4500 pupils

Each cell in Table 5 also contains information on the percent of the total sample population contained in each cell and on the percent of the total violations in each cell.

More than half the pupils served by schools in the study (51.6%) live in districts with more than 8500 pupils. This group accounts for 52.4% of the violations recorded. Three out of five pupils (62.8%) attend schools with an average integrated per-pupil cost of between $1600 and $1800 per pupil. This group accounts for nearly seven out of ten of the violations recorded (68.9%). The largest single cell (32.3%) of
### TABLE 5

COST PER PUPIL BY PUPIL POPULATION:
VIOLATIONS PER THOUSAND PUPILS

<table>
<thead>
<tr>
<th>Pupil Population</th>
<th>HIGH $1800-$2000</th>
<th>MEDIUM $1600-$1800</th>
<th>LOW $1400-$1600</th>
<th>( \bar{x} )</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Violat. Per Thous Pupils</td>
<td>Violat. Per Thous Pupils</td>
<td>Violat. Per Thous Pupils</td>
<td></td>
</tr>
<tr>
<td>HIGH 8500 to 16,000</td>
<td>Lowell 2.04 Peabody 1.81 Haverhill 4.57</td>
<td>Cell ( \bar{x} = 2.63 )</td>
<td>Billerica 0.94 Lawrence 6.05</td>
<td>( x = 2.93 )</td>
</tr>
<tr>
<td></td>
<td>Pop.=0.0% Viol.=0.0%</td>
<td>Pop.=32.3% Viol.=29.4%</td>
<td>Pop.=19.4% Viol.=23.0%</td>
<td></td>
</tr>
<tr>
<td>MEDIUM 4500 to 8500</td>
<td>Wakefield 2.40 Beverly 3.03 2.62 Tewksbury</td>
<td>Cell ( \bar{x} = 3.13 )</td>
<td>Dracut --</td>
<td>( x = 2.60 )</td>
</tr>
<tr>
<td></td>
<td>Pop.=4.7% Viol.=3.9%</td>
<td>Pop.=24.1% Viol.=26.2%</td>
<td>Pop.=4.5% Viol.=0.0%</td>
<td></td>
</tr>
<tr>
<td>LOW 1000 to 4500</td>
<td>Ipswich 0.85 Georgetown 3.84 Boxford 0.71</td>
<td>Westford 2.10 Amesbury 10.83</td>
<td>Marblehead 0.99</td>
<td>( x = 3.32 )</td>
</tr>
<tr>
<td></td>
<td>Cell ( \bar{x} = 1.69 )</td>
<td>Cell ( \bar{x} = 5.99 )</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pop.=5.0% Viol.=2.9%</td>
<td>Pop.=6.4% Viol.=13.3%</td>
<td>Pop.=3.8% Viol.=1.3%</td>
<td></td>
</tr>
<tr>
<td>Population: n=107,264</td>
<td>Column ( \bar{x} = 2.03 )</td>
<td>Column ( \bar{x} = 3.16 )</td>
<td>Column ( \bar{x} = 2.53 )</td>
<td>( x = 2.88 )</td>
</tr>
<tr>
<td>Violation: n=309</td>
<td>Pop.=9.7% Viol.=6.8%</td>
<td>Pop.=62.8% Viol.=68.9%</td>
<td>Pop.=27.6% Viol.=24.3%</td>
<td></td>
</tr>
</tbody>
</table>
the population and 29.9% of the violations) has a high pupil population and a medium per-pupil cost. The only empty cell is "high."

The highest rate of violations per thousand students occurs in those schools with a low pupil population (3.32 violations per thousand students) and with a medium per-pupil cost (3.16 violations per thousand students). The individual cell with the highest rate of violations (5.99/thousand pupils) has these same "low population" and "medium cost" parameters.

Table 6 shows the per-pupil costs of the regular education programs, of all the day programs in a system including special education programs, and of the total integrated operating costs. These figures from all the school districts studied are for school years 1977/1978 and 1978/1979. The school districts are ranked in this table by the cost of regular education programs per pupil in 1977/1978.

The data was developed from Department of Education publications each year of per-pupil expenditures.

Regular Day Programs: Most pupils in a school district are concentrated in the regular day program where they receive a general course of instruction.

All Day Programs: Per-pupil costs in this category include the costs of regular day programs, special needs programs, transitional bilingual programs and occupational day programs. Not all of the school systems have transitional
bilingual programs and/or occupational
day programs but virtually all school
districts have special needs programs.

This category represents the average cost
of education for all children residing in
a community regardless of where they at-
tend school. Included is a district's
current operating cost, regional school
membership costs, and tuition paid to other
schools. This total "integrated cost" is
divided by the "net average membership"
of the district.

Net Average Membership: The sum of pupils in local schools, other
public school districts, and in special
needs day and residential schools.

In school year 1977/1978, the per-pupil costs of regular education
programs exceeded the state average cost of $1593/pupil in six of the
seventeen school districts studied. These six systems (Wakefield,
Beverly, Ipswich, Marblehead, Georgetown, and Andover) represent 24.4%
of the pupils in the systems studied but accounted for only 15.9% of the
total of 309 citations for violation of Chapter 766 regulations.

At the other end of the table, the four school districts showing
the lowest costs per pupil for regular education programs (Haverhill,
Lawrence, Dracut, and Boxford) represent 23.5% of the pupils in the sys-
tems studied but account for one-third (33.3%) of all citations for
violation of regulations. This is despite the fact that Dracut and Boxford are small systems representing less than 6% of the pupils in schools studied and were responsible for only one violation among the total of 309 violations recorded.

In school year 1978/1979 four school systems (Wakefield, Marblehead, Ipswich, and Andover) exceeded the state average cost of $1775/pupil for regular education programs. Therefore 16.3% of the pupils from school systems studied lived in districts where per-pupil expenditures for regular education programs exceeded the state average for school year 1978/1979. This compares with 24.4% of the pupils for school year 1977/1978.

Three school systems (Wakefield, Marblehead, and Ipswich) exceeded the state average of $1790/pupil for all day programs, and five school systems (Wakefield, Marblehead, Georgetown, Ipswich, and Boxford) exceeded the state average of $1821/pupil for total integrated operating costs in school year 1977/1978. Of the pupils in the sample school districts, 86.6% live in districts which spend less than the state average for total integrated operating cost per pupil and 89.4% live in districts which spend less than the state average for all day program costs per pupil.

Table 7 shows, for school year 1977/1978, special education costs, relative per-pupil program costs, and violations per thousand pupils. The school districts in this table are ranked by pupil population size.

Costs associated with special education include the cost of screening children for special needs, the cost of conducting evaluations which determine what special needs exist and develop educational plans for
### TABLE 7

**SPECIAL EDUCATION COSTS AND RELATIVE PROGRAM COSTS BY VIOLATIONS PER THOUSAND PUPILS**

<table>
<thead>
<tr>
<th>Rank by Pupil Population Size</th>
<th>School District</th>
<th>Screening $/Pupil</th>
<th>Evaluation $/Pupil</th>
<th>Programs $/Pupil</th>
<th>% of Total Integrated Costs Per Pupil for Programs</th>
<th>% of Total Integrated Costs Per Pupil for Programs</th>
<th>% of Total Integrated Costs Per Pupil for Programs</th>
<th>Violations Per Thousand Pupils</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lowell</td>
<td>2</td>
<td>378</td>
<td>2003</td>
<td>82.1 7.6 10.3 120.5</td>
<td>1.34 1.47</td>
<td>2.04</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Billerica</td>
<td>34</td>
<td>31</td>
<td>1770</td>
<td>89.8 4.4 5.8 116.3</td>
<td>1.23 1.29</td>
<td>0.94</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Lawrence</td>
<td>32</td>
<td>1088</td>
<td>1937</td>
<td>83.2 9.5 6.4 122.6</td>
<td>1.32 1.47</td>
<td>1.04</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Peabody</td>
<td>10</td>
<td>72</td>
<td>2105</td>
<td>91.8 6.6 1.6 125.7</td>
<td>1.28 1.37</td>
<td>1.58</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Haverhill</td>
<td>1</td>
<td>168</td>
<td>2087</td>
<td>79.1 7.7 13.2 124.2</td>
<td>1.48 1.57</td>
<td>4.57</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Beverly</td>
<td>14</td>
<td>533</td>
<td>2161</td>
<td>95.1 1.0 3.9 122.8</td>
<td>1.28 1.29</td>
<td>3.03</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Tewkesbury</td>
<td>25</td>
<td>654</td>
<td>2418</td>
<td>84.7 9.0 6.3 150.2</td>
<td>1.60 1.77</td>
<td>2.62</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Andover</td>
<td>5</td>
<td>552</td>
<td>1976</td>
<td>92.5 5.8 1.7 114.7</td>
<td>1.17 1.24</td>
<td>0.64</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Saugus</td>
<td>16</td>
<td>327</td>
<td>2130</td>
<td>88.9 8.0 3.1 124.0</td>
<td>1.28 1.39</td>
<td>6.54</td>
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<tr>
<td>10</td>
<td>Wakefield</td>
<td>28</td>
<td>148</td>
<td>2745</td>
<td>89.6 6.1 4.3 145.4</td>
<td>1.52 1.62</td>
<td>2.40</td>
<td></td>
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<tr>
<td>11</td>
<td>Dracut</td>
<td>22</td>
<td>182</td>
<td>1621</td>
<td>86.8 5.3 7.9 108.9</td>
<td>1.18 1.26</td>
<td>0.06</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Marblehead</td>
<td>4</td>
<td>80</td>
<td>2862</td>
<td>88.0 7.6 4.4 150.8</td>
<td>1.58 1.71</td>
<td>0.99</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Westford</td>
<td>61</td>
<td>283</td>
<td>1973</td>
<td>85.0 8.4 6.6 123.2</td>
<td>1.32 1.45</td>
<td>2.10</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Amesbury</td>
<td>12</td>
<td>103</td>
<td>1872</td>
<td>86.3 3.4 10.3 113.6</td>
<td>1.27 1.32</td>
<td>10.83</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Ipswich</td>
<td>92</td>
<td>473</td>
<td>2488</td>
<td>84.8 9.3 5.9 127.7</td>
<td>1.36 1.51</td>
<td>3.84</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Georgetown</td>
<td>20</td>
<td>444</td>
<td>2357</td>
<td>88.4 4.1 7.5 128.1</td>
<td>1.34 1.45</td>
<td>3.12</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Boxford</td>
<td>8</td>
<td>324</td>
<td>1747</td>
<td>66.2 7.7 26.1 94.8</td>
<td>1.28 1.43</td>
<td>0.71</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rank</th>
<th>% for Sample</th>
<th>Screening $/Pupil</th>
<th>Evaluation $/Pupil</th>
<th>Programs $/Pupil</th>
<th>% of Total Integrated Costs Per Pupil for Programs</th>
<th>% of Total Integrated Costs Per Pupil for Programs</th>
<th>% of Total Integrated Costs Per Pupil for Programs</th>
<th>Violations Per Thousand Pupils</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>36</td>
<td>349</td>
<td>2419</td>
<td>87.4 10.8 1.7 132.8</td>
<td>1.35 1.51</td>
<td>4.57</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Special education day programs only.
those pupils referred, and the cost of special education programs designed to provide or obtain services for children with special needs. Cost figures were obtained from the Massachusetts Department of Education publication *Per-Pupil Expenditures: 1977/1978* and are based upon per-pupil costs for each school district in each category.

The per-pupil cost of screening children for special needs ranges from $1/pupil (Haverhill) to $92/pupil (Ipswich). This extremely broad range of screening costs was also reflected within the groupings of high, medium, and low pupil population school districts. The sample average of $23/pupil compares with the state average cost of $36/pupil. Only two systems (Westford and Ipswich) exceeded the state average.

The per-pupil cost of evaluation for special needs children ranges from $31/pupil (Billerica) to $1088/pupil (Lawrence). Again, the range of evaluation costs is very broad and is not related to the number of pupils in the system. The average cost for evaluation of a pupil living in the sample school districts is $344 as compared to the state average of $349.

The cost of special education programs per pupil ranges from $1621/pupil (Dracut) to $2862/pupil (Marblehead). The average cost per pupil for special education among the school districts in the study is $2132 ± 333/pupil compared to the average state cost of $2419/pupil for special education programs. Only three systems (Wakefield, Marblehead, and Ipswich) exceed the state average cost for special education programs. These three smaller systems account for 10.6% of the pupils in the sample but for only 5.8% of the violations recorded.
Relative per-pupil program costs as shown in Table 7 compares, for each school district, the percentage of total integrated per-pupil costs for regular education programs, for all other day programs (which includes special education programs), and for other operating expenses. Regular education programs accounted for an average of 86.0% of total integrated costs. This compares with a state average of 87.4% for regular education programs. In the sample, the proportion of regular education program costs to total integrated costs ranged from 66.2% (Boxford) to 95.1% (Beverly). All other day programs, including special education programs, occupational education programs, and bilingual programs, accounted for an average of 6.6% of total integrated per-pupil costs. This compares to a state average of 10.8%. The proportion of expenditures for these other programs ranged from 1.0% (Beverly) to 9.5% (Lawrence).

The remainder of operating costs after all day programs, including regular education programs, special education programs, occupational day programs, and bilingual programs, averaged 7.4% of total operating costs for the schools studied. This compares to 1.7% for the state. This proportion ranged from 1.6% (Peabody) to 26.1% (Boxford). Of the school districts in the sample, only Peabody falls below the state average. All other schools exceed the proportion of operation expenditures in this category.

The relationships between the per-pupil cost of special education programs and the total integrated per-pupil costs are also shown in Table 7. For the sample school districts, the cost per-pupil, for special education programs, averaged 124.3% of the total integrated per-pupil costs.
cost. This compares to a state average of 132.8%. Percentages ranged from 94.8% (Boxford) to 150.8% (Marblehead).

Special education program costs are also expressed in Table 7 in relation to all day programs and to regular education programs. A ratio of 1.34 was found between special education programs and all the day programs per-pupil costs for schools in the sample. This compares with a state proportion of 1.35. This proportion ranged from 1.17 (Andover) to 1.60 (Tewkesbury). A ratio of 1.45 between special education programs and regular education programs per-pupil costs was found for schools in the sample. This compares with a statewide ratio of 1.51. The ratio of special education cost to regular education cost per-pupil ranges from 1.24 (Andover) to 1.77 (Tewkesbury).

The last column in Table 7 shows violations per thousand pupils. No strong correlations could be developed between the number of violations per thousand pupils and the cost of special education programs per-pupil. Similarly, no strong correlations could be shown between the relative composition of a school district's per-pupil costs for regular education, all day programs, and total integrated costs and the number of violations per thousand pupils.

Descriptions of Areas of Violation

The audit process evaluates nine areas which have been identified as essential to a comprehensive special education program. These nine areas are examined for each school and each school district which undergoes the audit process. These areas include the following:
- Staff development and administration;
- Public communication;
- Services for 3 and 4 year olds;
- Kindergarten screening;
- Core evaluation;
- Program delivery;
- Physical facilities;
- Transportation; and
- Finance.

Table 8 shows the number of violations and the percentage of the total violations in each of these nine areas. It also defines what is to be determined by the audit in each of the areas. Nearly two-thirds of the violations cited for schools in this study (63.7%) are in the areas of core evaluation or program delivery. Of the total of 309 violations, 124 violations were concerned with the referral or evaluation of students in need of special services. No violations were cited in the area of finance.

Table 9 describes the number of violations of each of the school districts studied in each of the audit areas. This table ranks the school districts according to the number of violations recorded for that school district. Fifteen of the seventeen districts record violations in the area of core evaluation and eleven of the seventeen districts record violations in the areas of program delivery and physical facilities. Only one school system (Dracut) recorded no violations.
### TABLE 8
NUMBER OF VIOLATIONS BY AREA OF CITATION

<table>
<thead>
<tr>
<th>Areas:</th>
<th>Determinations</th>
<th>Violations #</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Development and Administration</td>
<td>Determine whether staff credentials, supervision, in-service training and administrative structure facilitate the effective implementation of Chapter 766.</td>
<td>13</td>
<td>4.2%</td>
</tr>
<tr>
<td>Public Communication</td>
<td>Determine the scope and effectiveness of communication with the public concerning Chapter 766.</td>
<td>8</td>
<td>2.6%</td>
</tr>
<tr>
<td>Services for 3 &amp; 4 Year Olds</td>
<td>Determine the extent to which required services for 3 &amp; 4 year olds are provided.</td>
<td>29</td>
<td>9.4%</td>
</tr>
<tr>
<td>Kindergarten Screening</td>
<td>Determine whether required screening procedures and follow-up are provided for kindergarten children.</td>
<td>12</td>
<td>3.9%</td>
</tr>
<tr>
<td>Core Evaluation</td>
<td>Determine the structure and effectiveness of the process for referral and evaluation of students in need of special services.</td>
<td>124</td>
<td>40.1%</td>
</tr>
<tr>
<td>Program Delivery</td>
<td>Determine whether services required by educational plans are being provided in accordance with the intent of Chapter 766 and its regulations.</td>
<td>73</td>
<td>23.6%</td>
</tr>
<tr>
<td>Physical Facilities</td>
<td>Determine whether the facilities used for delivering special services are appropriate.</td>
<td>35</td>
<td>11.3%</td>
</tr>
<tr>
<td>Transportation</td>
<td>Determine whether appropriate transportation is provided for students with special needs.</td>
<td>15</td>
<td>4.9%</td>
</tr>
<tr>
<td>Finance</td>
<td>Determine adequacy and appropriateness of special education funding and budgetary processes.</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>TOTALS:</strong></td>
<td></td>
<td><strong>309</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
## TABLE 9

VIOLATIONS BY SCHOOL DISTRICTS

<table>
<thead>
<tr>
<th>Rank by # of Violations</th>
<th>School Districts</th>
<th>Staff Development and Administration</th>
<th>Public Communication</th>
<th>Services for 3 &amp; 4 Year Olds</th>
<th>Kindergarten Screening</th>
<th>Core Evaluation</th>
<th>Program Delivery</th>
<th>Physical Facilities</th>
<th>Transportation</th>
<th>Finances</th>
<th>Total # of Violations</th>
<th>Percent of Total Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lawrence</td>
<td>1</td>
<td>1</td>
<td>14</td>
<td>3</td>
<td>20</td>
<td>11</td>
<td>7</td>
<td>4</td>
<td>-</td>
<td>61</td>
<td>19.7%</td>
</tr>
<tr>
<td>2</td>
<td>Haverhill</td>
<td>5</td>
<td>-</td>
<td>2</td>
<td>17</td>
<td>8</td>
<td>5</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>41</td>
<td>13.3%</td>
</tr>
<tr>
<td>3</td>
<td>Saugus</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>18</td>
<td>12</td>
<td>1</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>38</td>
<td>12.3%</td>
</tr>
<tr>
<td>4</td>
<td>Amesbury</td>
<td>2</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>13</td>
<td>13</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>33</td>
<td>10.7%</td>
</tr>
<tr>
<td>5</td>
<td>Lowell</td>
<td>-</td>
<td>5</td>
<td>6</td>
<td>13</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>32</td>
<td>10.4%</td>
</tr>
<tr>
<td>6</td>
<td>Beverly</td>
<td>2</td>
<td>-</td>
<td>5</td>
<td>2</td>
<td>4</td>
<td>-</td>
<td>1</td>
<td>7</td>
<td>-</td>
<td>21</td>
<td>6.8%</td>
</tr>
<tr>
<td>7*</td>
<td>Peabody</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>4</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>18</td>
<td>5.8%</td>
</tr>
<tr>
<td>7*</td>
<td>Tewkesbury</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>18</td>
<td>5.8%</td>
</tr>
<tr>
<td>9</td>
<td>Wakefield</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>8</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>12</td>
<td>3.9%</td>
</tr>
<tr>
<td>10</td>
<td>Billerica</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>10</td>
<td>3.2%</td>
</tr>
<tr>
<td>11</td>
<td>Westford</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>2.6%</td>
</tr>
<tr>
<td>12</td>
<td>Georgetown</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>1.9%</td>
</tr>
<tr>
<td>13*</td>
<td>Andover</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>1.3%</td>
</tr>
<tr>
<td>13*</td>
<td>Marblehead</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>1.3%</td>
</tr>
<tr>
<td>15</td>
<td>Ipswich</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>2</td>
<td>0.7%</td>
</tr>
<tr>
<td>16</td>
<td>Boxford</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>0.3%</td>
</tr>
<tr>
<td>17</td>
<td>Dracut</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

(N=) 13 8 29 12 124 73 35 15 0 309

TOTALS: 4.2% 2.6% 9.4% 3.9% 40.1% 23.6% 11.3% 4.9% 0.0% 100%

*Same number of violations
Table 10 shows the relationship among the school districts studied in terms of student population (107,264 pupils) and citations for violation of Chapter 766 regulations (309 violations). In this index, a violation/population figure of 1.00 would mean that the percentage of violations a school district received (in terms of the study total of 309 violations) was equal to the percentage of the pupils which that school district was responsible for (in terms of the study total of 107,264 pupils). The school districts studied are ranked in table 10 according to the violation/population figures of each school district.

Six of the school districts show a greater figure for percent of violations than for percent of population. These six school districts are only responsible for 34% of the pupils in the study, yet they account for 64.7% of the citations reported. The highest figure recorded (3.82) was for Amesbury which was responsible for 2.8% of the pupils in the districts studied, but recorded 10.7% of the violations. At the other end of this spectrum, the low figure (excluding Dracut which had no violations) was 0.22 for Andover which had 5.9% of the population but only 1.3% of the reported violations.

Table 11 shows how responsibility was distributed among school staff and shows the assignment of responsibility for remediating violations cited in the audit reports of each school district. For each violation or non-compliance issue cited, the audit report makes a recommendation for remediation and names the staff person(s) responsible for implementing the response.
**TABLE 10**

PERCENT VIOLATIONS VS. PERCENT POPULATION

<table>
<thead>
<tr>
<th>School District</th>
<th>% of* Violations</th>
<th>% of** Population</th>
<th>Violation/Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amesbury</td>
<td>10.7</td>
<td>2.8</td>
<td>3.82</td>
</tr>
<tr>
<td>2. Saugus</td>
<td>12.3</td>
<td>5.4</td>
<td>2.28</td>
</tr>
<tr>
<td>3. Lawrence</td>
<td>19.7</td>
<td>9.4</td>
<td>2.10</td>
</tr>
<tr>
<td>4. Haverhill</td>
<td>13.3</td>
<td>8.4</td>
<td>1.58</td>
</tr>
<tr>
<td>5. Georgetown</td>
<td>1.9</td>
<td>1.5</td>
<td>1.27</td>
</tr>
<tr>
<td>6. Beverly</td>
<td>6.8</td>
<td>6.5</td>
<td>1.05</td>
</tr>
<tr>
<td>7. Tewkesbury</td>
<td>5.8</td>
<td>6.4</td>
<td>0.91</td>
</tr>
<tr>
<td>8. Wakefield</td>
<td>3.9</td>
<td>4.7</td>
<td>0.83</td>
</tr>
<tr>
<td>9. Westford</td>
<td>2.6</td>
<td>3.5</td>
<td>0.74</td>
</tr>
<tr>
<td>10. Lowell</td>
<td>10.4</td>
<td>14.7</td>
<td>0.71</td>
</tr>
<tr>
<td>11. Peabody</td>
<td>5.8</td>
<td>9.3</td>
<td>0.62</td>
</tr>
<tr>
<td>12. Marblehead</td>
<td>1.3</td>
<td>3.8</td>
<td>0.34</td>
</tr>
<tr>
<td>13. Billerica</td>
<td>3.2</td>
<td>10.0</td>
<td>0.32</td>
</tr>
<tr>
<td>14. Ipswich</td>
<td>0.6</td>
<td>2.2</td>
<td>0.27</td>
</tr>
<tr>
<td>15. Boxford</td>
<td>0.3</td>
<td>1.3</td>
<td>0.23</td>
</tr>
<tr>
<td>16. Andover</td>
<td>1.3</td>
<td>5.9</td>
<td>0.22</td>
</tr>
<tr>
<td>17. Dracut</td>
<td>0.0</td>
<td>4.5</td>
<td>--</td>
</tr>
</tbody>
</table>

* N = 309 violations

** N = 107,264 students

% violations greater than % population

% violations less than % population
<table>
<thead>
<tr>
<th>Person(s) Responsible:</th>
<th>First Responsibility</th>
<th>Second Responsibility</th>
<th>Totals Assigned Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>School Committee</td>
<td>34</td>
<td>8</td>
<td>42</td>
</tr>
<tr>
<td>Superintendent</td>
<td>35</td>
<td>17</td>
<td>52</td>
</tr>
<tr>
<td>Special Education Director</td>
<td>25</td>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>Special Education Administrator</td>
<td>150</td>
<td>14</td>
<td>164</td>
</tr>
<tr>
<td>Director of Pupil Personnel</td>
<td>49</td>
<td>0</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>224</td>
<td>14</td>
<td>238</td>
</tr>
<tr>
<td>Principal</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Early Childhood Specialist</td>
<td>0</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>Supervisor of Special Needs</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Core Team Chairperson</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>TOTALS</td>
<td>299</td>
<td>59</td>
<td>358</td>
</tr>
</tbody>
</table>
In two out of three of the non-compliance issues (66.5%) the special education director, the special education administrator, or the director of pupil personnel was assigned the responsibility of implementing recommendations to remediate the violation. This reflects the fact that 63.7% of the violations were in the area of core evaluation procedures and practices or in the area of program delivery.

More than one-quarter of the non-compliance issues were at the policy level or, at least, required policy level remediation. School committee responsibility was indicated for 11.7% of the violations and school superintendents were seen as responsible for remediation in 14.5% of the violations.

Table 12 describes the time allowed for remediation of violations cited. For each violation or non-compliance issue cited, the audit report makes a recommendation for steps toward compliance and issues a timeline for implementing the recommended response.

One-half of the citations in this study (50.3%) require of the school district an immediate response. Three-quarters of the citations (74.8%) require that recommendations be implemented within four months. The largest response called for immediate action, but the next largest responses provided for a four or five month timeline. Nearly a quarter of the responses (23.6%) called for a four or five month implementation timeline.

Table 13 describes the sources of evidence used by the teams to determine and verify that a school district was not in compliance with the regulations. For every citation issued in an audit report, a primary source of evidence is reported as well as any secondary or tertiary
<table>
<thead>
<tr>
<th>Timeline for Remediation</th>
<th>Response Frequency</th>
<th>% Relative Frequency</th>
<th>% Cumulative Frequency (N=309)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate</td>
<td>155</td>
<td>50.3%</td>
<td>50.3%</td>
</tr>
<tr>
<td>1 month</td>
<td>22</td>
<td>7.1%</td>
<td>57.4%</td>
</tr>
<tr>
<td>2 months</td>
<td>5</td>
<td>1.6%</td>
<td>59.0%</td>
</tr>
<tr>
<td>3 months</td>
<td>15</td>
<td>4.0%</td>
<td>63.9%</td>
</tr>
<tr>
<td>4 months</td>
<td>34</td>
<td>11.0%</td>
<td>74.8%</td>
</tr>
<tr>
<td>5 months</td>
<td>39</td>
<td>12.6%</td>
<td>87.4%</td>
</tr>
<tr>
<td>6 months</td>
<td>5</td>
<td>1.6%</td>
<td>89.0%</td>
</tr>
<tr>
<td>7 months</td>
<td>27</td>
<td>8.7%</td>
<td>97.7%</td>
</tr>
<tr>
<td>8 months</td>
<td>1</td>
<td>0.3%</td>
<td>98.1%</td>
</tr>
<tr>
<td>9 months</td>
<td>6</td>
<td>1.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>TOTALS</td>
<td>309</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>
## Table 13

### Sources of Evidence of Violations

<table>
<thead>
<tr>
<th>Source of Evidence Cited</th>
<th>First Source (N=309)</th>
<th>Second Source (N=118)</th>
<th>Third Source (N=21)</th>
<th>Total Source (N=448)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>Interviews</td>
<td>201</td>
<td>65.0%</td>
<td>25</td>
<td>21.2%</td>
</tr>
<tr>
<td>On-site Visits</td>
<td>63</td>
<td>20.4%</td>
<td>20</td>
<td>16.9%</td>
</tr>
<tr>
<td>Case Studies</td>
<td>17</td>
<td>5.5%</td>
<td>26</td>
<td>22.0%</td>
</tr>
<tr>
<td>Document Review</td>
<td>17</td>
<td>5.5%</td>
<td>20</td>
<td>16.9%</td>
</tr>
<tr>
<td>Missing Forms Document</td>
<td>6</td>
<td>1.9%</td>
<td>18</td>
<td>15.3%</td>
</tr>
<tr>
<td>Questionnaires</td>
<td>4</td>
<td>1.3%</td>
<td>8</td>
<td>6.8%</td>
</tr>
<tr>
<td>N.E. Regional Center</td>
<td>1</td>
<td>0.3%</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>SPED-5 Form</td>
<td>--</td>
<td>--</td>
<td>1</td>
<td>0.8%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>309</td>
<td>100.0%</td>
<td>118</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
evidence. A total of 309 violations is recorded among the school districts in this study. Consequently, there are listed 309 primary sources of evidence as well as 118 secondary evidence sources and 21 tertiary sources.

The interview was the most commonly indicated source of evidence. In 65% of the violations, the interview was given as the primary source of evidence. Of the total 448 sources of evidence listed, more than half (50.9%) the listings were for evidence gathered through interviews. On-site visits or observed evidence formed the next largest grouping of evidence. Twenty point four percent (20.4%) of the primary source of evidence was listed as on-site and 20.3% of the total listings indicated this source.

Although case studies are listed as a primary source of evidence in only 5.5% of the citations, case studies formed the largest block (22.0%) of secondary sources of evidence. Of the standard evidence gathering procedures, questionnaires, with only 4.2% of the total listings, seemed to be the least effective means of concluding that a violation of regulations exists.

**Descriptions of the Regulations Violated**

The regulations for the implementation of Chapter 766 of the Acts of 1972 were originally promulgated on May 28, 1974 in compliance with all statutory requirements. These regulations were reviewed and amended in October 1975 and regulation descriptions and numbers are from the publication of the Massachusetts Department of Education, *766 Regulations*, October 1, 1975.
The regulations are divided into eleven chapters with each chapter addressing a major topic ranging from regulatory definitions to regional and state advisory and review boards. For example, any regulation numbered between 400 and 499 would involve appeal procedures and any regulation number between 800 and 899 would involve private schools. Table 14 describes the number of violations registered against each chapter of the regulations.

The regulatory areas of chapters three and five account for most of the recorded violations (85.5%) with the largest number of violations (183) cited against the regulations contained in chapter three (identification, referral, and evaluation). The last entry on Table 14, "other state and federal laws," includes the Federal Education for All Handicapped Children Act (P.L. 94-142), Massachusetts Chapter 40; Section 40 D, The Massachusetts building code, and non-specified Chapter 766 violations.

Table 14 provides the broadest or most general description of the areas where violations were recorded. Tables 15 and 16 will provide a detailed examination of the regulatory topics which were violated within these areas and Table 17 will provide a listing of the specific regulations which were most frequently violated.

Violations were recorded among the school districts studied in the following five regulatory areas:

- Chapter 2: General Provisions (8 violations)
- Chapter 3: Identification, Referral, and Evaluation (183 violations)
- Chapter 5: Programs (82 violations)
<table>
<thead>
<tr>
<th>Chapter Content:</th>
<th>Regulation Numbers</th>
<th>Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>100-124</td>
<td>0</td>
</tr>
<tr>
<td>General Provisions</td>
<td>200-214</td>
<td>8</td>
</tr>
<tr>
<td>Identification, Referral, and Evaluation</td>
<td>300-339</td>
<td>183</td>
</tr>
<tr>
<td>Appeal Procedures</td>
<td>400-410</td>
<td>0</td>
</tr>
<tr>
<td>Programs</td>
<td>501-508</td>
<td>82</td>
</tr>
<tr>
<td>Services for 3 and 4 Year Olds</td>
<td>600-613</td>
<td>10</td>
</tr>
<tr>
<td>Education of Children in Institutions</td>
<td>700-704</td>
<td>0</td>
</tr>
<tr>
<td>Private Schools</td>
<td>800-804</td>
<td>0</td>
</tr>
<tr>
<td>Transportation</td>
<td>900-905</td>
<td>11</td>
</tr>
<tr>
<td>Other State and Federal Laws</td>
<td>--</td>
<td>15</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>309</strong></td>
</tr>
<tr>
<td>Regulation:</td>
<td>Topical Description</td>
<td>Violations</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>508</td>
<td>Facilities for children in need of special education services</td>
<td>32</td>
</tr>
<tr>
<td>321</td>
<td>Educational plan</td>
<td>22</td>
</tr>
<tr>
<td>311</td>
<td>CET's: composition for writing the educational plan</td>
<td>19</td>
</tr>
<tr>
<td>502</td>
<td>Program prototypes</td>
<td>19</td>
</tr>
<tr>
<td>337</td>
<td>On-going review and re-evaluation; on-going modification of the educational plan</td>
<td>17</td>
</tr>
<tr>
<td>304</td>
<td>Case-finding; elements</td>
<td>16</td>
</tr>
<tr>
<td>319</td>
<td>Full core and intermediate</td>
<td>14</td>
</tr>
<tr>
<td>501</td>
<td>Special education which each school committee is required to provide; plan</td>
<td>14</td>
</tr>
<tr>
<td>320</td>
<td>Full core; assessments</td>
<td>13</td>
</tr>
<tr>
<td>306</td>
<td>Kindergarten entry screening; elements</td>
<td>11</td>
</tr>
<tr>
<td>905</td>
<td>Transportation requirements which school committee must comply with</td>
<td>11</td>
</tr>
</tbody>
</table>
• Chapter 6: Services for 3 and 4 year olds  
  (10 violations)
• Chapter 9: Transportation (11 violations)

Within these broad regulatory areas, Table 15 and 16 describe in greater topical detail the violations cited against the school districts included in the study. Each violation is specified by number according to the appropriate Chapter 766 regulation code.

For example, a violation of the specific regulation 304.1 would involve the requirements for an annual registration of three and four year old children while the specific regulation 304.4 would concern the continuous screening of school-age children after they have entered school. Violations against either of these specific regulations would be topically listed in Tables 15 and 16 as a violation against regulation 304 (identification: casefinding; elements).

Table 15 is a listing of the most frequently violated regulations, those which were cited more than ten times. These eleven regulations account for 60.8% of all violations.

A total of 65 citations in the area of programs (Chapter Five) was issued for non-compliance in terms of facilities (32 violations), program prototypes (19 violations) and school plans to provide special education (14 violations). A total of 112 citations was in the area of identification, referral, and evaluation (Chapter Three). Among these, 58 violations involved the educational plan with 22 violations of regulation 321 (evaluation: educational plan), 19 violations of regulation 311 (evaluation: composition of CET's for writing the educational plan), and 17 violations of regulation 337 (review: on-going modification of
the educational plan). In addition, 54 violations in chapter three involved identification and assessment with 16 violations of regulation 304 (identification: elements of case finding), 11 violations of regulation 306 (identification: elements of kindergarten screening), 14 violations of regulation 319 (evaluation: full core and intermediate), and 12 violations of regulation 320 (evaluation: full core assessments).

Finally, in the area of transportation, chapter nine, there were 11 violations of regulation 905 (transportation requirements).

Table 16 describes the topics involved for each regulation violated and the number of violations recorded for each regulation. A total of 40 regulations was violated for a total of 294 citations. In addition, 15 violations were recorded against other federal or state laws bringing the total number of violations recorded in this study to 309.

In the area of chapter two: general provisions, the most frequently violated regulation was regulation 200 (administration of special education) with 4 violations. In chapter three: identification, referral, and evaluation, regulation 321 (evaluation: educational plan) was most often violated with 22 citations. The most frequently violated regulation in chapter five: programs was regulation 508 (facilities for children in need of special education services) with 32 citations. This regulation was the most frequently cited of all regulations. Chapter six: services for children ages 3 and 4 accounts for 10 violations with 8 of these cited against regulation 600 (identification of children with special needs). Finally, all 11 violations in chapter nine: transportation are against regulation 905 (requirements which school committee must comply with).
<table>
<thead>
<tr>
<th>Reg #</th>
<th>Description of Regulation</th>
<th>Viol.</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>Administrator of special education</td>
<td>4</td>
</tr>
</tbody>
</table>
| 206  | School age children (16-21):  
- consent of parents and children | 3     |
| 209  | Testing:                  
- limitations in the use of tests | 1     |
|      | **3. Identification, Referral, and Evaluation - 183 violations** |       |
| 300  | Identification:           
- register of children in need of special education services | 2     |
| 301  | - census                  | 1     |
| 304  | - case-finding            
  - elements | 16    |
| 305  | - kindergarten entry screening 
  - personnel | 3     |
| 306  | Identification: (cont.) 
  kindergarten entry screening 
  - elements | 11    |
| 307  | - kindergarten entry screening 
  - parent involvement | 5     |
| 308  | - continuous screening after kindergarten entry | 2     |
| 310  | Evaluation:               
  - administrator of special education 
  - duties | 7     |
| 311  | - CPT's                   
  - composition for writing the education plan | 19    |
| 314  | - referral                
  - limitation | 6     |
| 315  | - determinations          
  - required determinations | 4     |
| 316  | - referral                
  - who can refer | 1     |
| 317  | Evaluation: (cont.)       
  - referral 
  - notice to parents | 8     |
<table>
<thead>
<tr>
<th>Reg #</th>
<th>Description of Regulation</th>
<th>Viol.</th>
</tr>
</thead>
<tbody>
<tr>
<td>319</td>
<td>- full core and intermediate</td>
<td>14</td>
</tr>
<tr>
<td>320</td>
<td>- full core</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>• assessments</td>
<td></td>
</tr>
<tr>
<td>321</td>
<td>- educational plan</td>
<td>22</td>
</tr>
<tr>
<td>322</td>
<td>- special requirements applicable to certain situations</td>
<td>2</td>
</tr>
<tr>
<td>324</td>
<td>- educational plan</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>• notice to parents</td>
<td></td>
</tr>
<tr>
<td>325</td>
<td>- educational plan</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>• options available to parents</td>
<td></td>
</tr>
<tr>
<td>329</td>
<td>- program provision or further appeal</td>
<td>1</td>
</tr>
<tr>
<td>332</td>
<td>Review of the child's progress:</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>- ten month and annual review</td>
<td></td>
</tr>
<tr>
<td>333</td>
<td>- re-evaluation of the child</td>
<td>4</td>
</tr>
<tr>
<td>334</td>
<td>- new educational plan</td>
<td>7</td>
</tr>
<tr>
<td>336</td>
<td>- new educational plan</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>- procedural requirements</td>
<td></td>
</tr>
<tr>
<td>337</td>
<td>- ongoing review and re-evaluation</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>- ongoing modification of the educational plan</td>
<td></td>
</tr>
<tr>
<td>339</td>
<td>Applications to voc-tech schools</td>
<td>2</td>
</tr>
<tr>
<td>501</td>
<td>Special education which each school committee is required to provide</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>- plan</td>
<td></td>
</tr>
<tr>
<td>502</td>
<td>Program prototypes</td>
<td>19</td>
</tr>
<tr>
<td>503</td>
<td>Required education and treatment services</td>
<td>6</td>
</tr>
<tr>
<td>504</td>
<td>Providing day school or residential programs</td>
<td>4</td>
</tr>
<tr>
<td>505</td>
<td>Parent involvement</td>
<td>3</td>
</tr>
<tr>
<td>506</td>
<td>Program evaluation</td>
<td>4</td>
</tr>
<tr>
<td>508</td>
<td>Facilities for children in need of special education services</td>
<td>32</td>
</tr>
</tbody>
</table>

5. Programs (82 violations)
<table>
<thead>
<tr>
<th>Reg #</th>
<th>Description of Regulation</th>
<th>Viol.</th>
</tr>
</thead>
<tbody>
<tr>
<td>600</td>
<td>Identification of children with substantial disabilities</td>
<td>8</td>
</tr>
<tr>
<td>601</td>
<td>Referral for evaluation of children with substantial disabilities</td>
<td>1</td>
</tr>
<tr>
<td>610</td>
<td>Program standards</td>
<td>1</td>
</tr>
<tr>
<td>905</td>
<td>Requirements which school committee must comply with</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td><strong>General (15 violations)</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chapter 766</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>P.L. 94-142</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Chapter 40; Section 40D</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Massachusetts Building Code</td>
<td>2</td>
</tr>
</tbody>
</table>
Table 17 provides a listing and description of those specific regulations which were cited five or more times in the study. Fifteen specific regulations fall into this category and account for 123 violations or 39.9% of all the violations listed.

The most frequently violated specific regulation with 24 citations was regulation 508.1 which cited school districts where the special education facilities were not equal to the regular education facilities. Fifteen citations were issued against regulation 337.1 in which schools did not assign a case manager for a child's educational plan. The third most noted violation involved schools which could not or did not conduct evaluations within thirty days of notification of referral in violation of regulation 319.0. Violation of these three specific regulations accounted for one-sixth (16.3%) of all violations recorded for the entire study.
TABLE 17
MOST FREQUENTLY VIOLATED SPECIFIC REQUIREMENTS

<table>
<thead>
<tr>
<th>Regulation:</th>
<th>Description</th>
<th>Violations #</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>508.1</td>
<td>Special education facilities equal to regular education</td>
<td>24</td>
<td>7.8</td>
</tr>
<tr>
<td>337.1</td>
<td>Assign case manager for child's education plan</td>
<td>15</td>
<td>4.9</td>
</tr>
<tr>
<td>319.0</td>
<td>Conduct evaluation within 30 school days of notification</td>
<td>11</td>
<td>3.6</td>
</tr>
<tr>
<td>502.4</td>
<td>Substantially separate program delivery</td>
<td>8</td>
<td>2.6</td>
</tr>
<tr>
<td>321.0</td>
<td>Educational plan writing</td>
<td>7</td>
<td>2.3</td>
</tr>
<tr>
<td>334.0</td>
<td>New educational plan after required review</td>
<td>7</td>
<td>2.3</td>
</tr>
<tr>
<td>501.1</td>
<td>Committee compliance with elements of the educational plan</td>
<td>7</td>
<td>2.3</td>
</tr>
<tr>
<td>508.2</td>
<td>Segregated special education facilities</td>
<td>7</td>
<td>2.3</td>
</tr>
<tr>
<td>314.0</td>
<td>Modification of regular education programs before referral</td>
<td>6</td>
<td>1.9</td>
</tr>
<tr>
<td>501.0</td>
<td>School committee provided or arranged for all elements of the educational plan</td>
<td>6</td>
<td>1.9</td>
</tr>
<tr>
<td>304.5</td>
<td>On-going public information</td>
<td>5</td>
<td>1.6</td>
</tr>
<tr>
<td>304.6</td>
<td>Annual public outreach - programs and services for 3 and 4 year olds</td>
<td>5</td>
<td>1.6</td>
</tr>
<tr>
<td>311.8</td>
<td>Teacher not included on CET</td>
<td>5</td>
<td>1.6</td>
</tr>
<tr>
<td>317.0</td>
<td>Notification of parents within five days of referral</td>
<td>5</td>
<td>1.6</td>
</tr>
<tr>
<td>502.1</td>
<td>Regular education program with modifications</td>
<td>5</td>
<td>1.6</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>123</td>
<td>39.9%</td>
</tr>
</tbody>
</table>
(N=309)
CHAPTER V

SUMMARY AND RECOMMENDATIONS

Summary

The major purpose of the work described in this report was the development and testing of a model framework for identifying implementation problems associated with comprehensive special education legislation such as Massachusetts' Chapter 766 or Federal Public Law 94-142. The model successfully derived during this study involved a special education data base constructed from information already accumulated by the state during mandated audits of each school district's special education programs. The study shows that, by arranging data already available from this neglected source, diverse and sophisticated information can be derived; information which is detailed and accurate, broad-based, consistent, current, inexpensive, and easily maintained. Simple integration with other available standardized data sources allows for relatively complex research or examinations to be conducted, even at the regional level. Furthermore, the entire system described could be entered, maintained, updated, and processed on microcomputers by the working staffs at the regional offices and then be forwarded, by telephone, to the central office for instant present-status reports or for even broader-based research and planning.

Such accurate information is required to make judgments about the present and the projected status of the special education delivery system at the local, the regional, and the state level. Without this information, effective and appropriate planning for the provision of special
education cannot be developed. However, formal planning is required of both the LEA's and SEA's before federal funding is disbursed. The current audit system is intended to provide some of the information on which those special education plans are based.

Status information has often been gathered in a process which was investigatory, specific to the school under examination, and useful for planning only to the school investigated. Such information was often subjective, difficult to compile, non-standardized in format, and inappropriate for projection from school to school, from region to region, or from state to state. However, the Commonwealth of Massachusetts has developed standardized methods for determining the status of individual LEA's in relation to compliance with Chapter 766, Massachusetts' comprehensive special education law. All LEA's are periodically audited for performance against the promulgated regulations. Audit reports issue citations when a school is not in compliance with the law. Each citation for non-compliance refers to a specific regulation by number, identifies the sources of evidence, names the administrative position responsible for remediation, defines any necessary actions for remediation, and proscribes timelines for completing necessary actions. This uniform, objective, codified format is presently in place, and is proved capable of functioning as the framework for problem identification, planning, broad-scale information development, and research concerning the implementation of comprehensive special education legislation.

An important objective of this study was to determine whether or not the special education program audit reports provided information which
could be integrated and easily arranged into a computer format in order to develop a broad and consistent data base for comparison against other data bases. The prevalence or incidence of particular special education problems or problem areas could then be isolated and compared against other demographic factors such as size of school district, per pupil expenditures, tax bases, kind of community, and geographic or ethnic composition of the student population. Such broad-based information is requisite for the generation of accurate needs assessments, effective planning, appropriate allocation of funds, and the formulation and testing of dissemination models.

A basic and primary conclusion of this study is that the Massachusetts special education Program Audit Reports can provide a framework for an integrated special education data base. Furthermore, this data base can be projected backward to the first audits conducted (which predate P.L. 94-142 by two years), can be updated to include each new audit as it is completed, and can be compiled and accessed at the local, regional, or state-wide level utilizing microcomputers. This ever-current data base could be easily merged with other standardized data bases describing parameters such as population, size or kind of community. Information from every audit report ever published can be integrated with data from a variety of other data bases for purposes of planning or research using currently available and already developed formats and procedures. Utilization of the audit reports as described by this study will allow both SEA's and LEA's to better determine degrees of compliance with the law, to identify areas of strength and weakness, to make
judgments on staff patterns and responsibilities, to make estimates on timelines for action toward compliance, and to gather and project this information on a state-wide or interstate basis.

The model special education data base developed and tested for the purposes of this study demonstrated or promised the following attributes:

- The model would utilize a neglected data source, the special education program audit reports. These reports are mandated and available. Currently their primary function is to provide feedback to the school district which has undergone examination. The nature and the narrative format of the reports makes meaningful comparisons across school districts difficult. Nevertheless, each audit contains a wealth of specific non-compliance information presented in terms of particular regulation numbers.

- The model would allow for the derivation of diverse and sophisticated information. Examination of the data from a single school only tells us about the school which was studied. Examination of the cumulative data from all the schools, or from all the schools of a certain type (e.g., low student population) would provide a more meaningful picture of the special education system. For example, in examining the school systems of the Northeast Region of the state it was found that nearly two-thirds of the violations recorded (63.7 percent) were in the areas of core evaluation
or program delivery and that 40.1 percent of the violations were concerned with the referral or evaluation of children in need of special services.

- The model would allow for the accumulation of information which is detailed and accurate. Because the audit process requires a great deal of specific formal information and because the audit team has the mandate and the methods to acquire that information, each audit report contains a wealth of very specific data.

- The model is broad-based because it easily allows for the rapid incorporation of specific education information from every school district in the commonwealth into a standardized data base which can be easily merged with other available standardized data bases.

- The model provides for a consistent data entry format based upon the information required with each non-compliance citation issued with every audit report. The data base would be ever-current because updated information could be fed into the data bases within hours of completion of an audit without the assistance of computer specialists.

- The model, because it does not require sophisticated computer specialists to enter and manage the data, and because the data and the model can be managed and accessed by telephone with a
microcomputer at the regional or central executive level, will be inexpensive and easy to maintain.

- The model provides the capability for information with other standardized and computerized data sources of information. Parameters such as per-pupil costs, number of students, kind of community, tax base, bilingual students, as well as other demographic factors can be easily entered to be compared against isolated aspects of the special education data. Thus sophisticated research could be conducted utilizing presently available but neglected information.

- The model, if implemented, would provide a valuable tool for the purpose of planning in special education. Speculation could be replaced by information in the approach toward such tasks as planning for inservice education, allocating funds, identifying problems, projecting trends, justifying needs, lobbying for funds, and identifying pre-service or post-graduate deficiencies which should be addressed by the state's institutions of higher education. In addition, invaluable and concise information would be widely and immediately available for purposes of improving the system, publishing reports, and justifying federal plans.
Recommendations

On the basis of the findings described in this study and summarized above, it is recommended:

(1) that the Massachusetts Department of Education create and maintain a uniform computerized data base consisting of the information included on the non-compliance citations of the special education Program Audit Reports;

(2) that a microcomputer be installed in each regional office where data from each region would be entered and maintained by office staff;

(3) that a modem be installed in each regional office so that regional data could be made immediately available at the central office and so that data could be accumulated for larger research projects;

(4) that a further study be conducted which considers the non-compliance citations from the special education Program Audit Reports of all school systems in the state so that a comparison can be drawn among the six regions in the state;

(5) that a further state-wide study be conducted that draws comparisons among communities according to the state's classification system, i.e., urban, industrial suburban, residential suburban, and rural;
(6) that other states with similar special education audit processes be proselytized to implement a similar system so that an ever-broadening, ever-current data base might be created; and finally

(7) that the federal government implement a uniform special education audit process so that data on individual states and federal regions could be computerized, analyzed, and compared, and so that national policy could be evaluated and appropriately modified.
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