

SENATE No. 249

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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

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

An Act to ensure equitable access to education, including special education services, for all students in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/9/2023</i>

SENATE No. 249

By Ms. Creem, a petition (accompanied by bill, Senate, No. 249) of Cynthia Stone Creem and Vanna Howard for legislation to ensure equitable access to education, including special education services, for all students in Massachusetts. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to ensure equitable access to education, including special education services, for all students in Massachusetts.

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

1 Whereas COVID-19 has disproportionately impacted communities of color, with Black
2 and Latino residents in Massachusetts infected with COVID-19 at rates three times higher than
3 White residents, and with age-adjusted death rates for Black and Latino residents three times that
4 of White residents.

5 Whereas COVID-19 is dramatically widening opportunity and achievement gaps in
6 education, because low-income Black and Latinx students are far more likely to be offered
7 remote-only instruction, are less likely to have the requisite devices and high-speed internet to
8 access remote learning, and are more likely to experience additional barriers to learning related
9 to family illness, death, and other COVID-19 stressors.

10 Whereas Latinx and Black students with disabilities are significantly less likely to be
11 included in general education classes as compared to their White disabled peers.

12 Whereas Black boys are estimated to have the highest rate of suspension of any race-
13 gender combination. And whereas Black males with disabilities are estimated to be disciplined at
14 an even higher and alarming rate, over 3 times the rate of White males with disabilities.

15 Whereas Black girls in Massachusetts are 3.9 times more likely to face school discipline
16 than White girls. And whereas Black girls with disabilities are estimated to be suspended at a
17 rate over twice as high as that for all Black girls.

18 Whereas the Department of Elementary and Secondary Education is responsible for
19 addressing educational inequities and providing a high-quality public education to every child in
20 the Commonwealth.

21 Whereas, the data currently collected by the department is not reported in a manner that
22 provides important information about the range of demographic subgroups facing the most
23 significant inequities, such as low-income Black students, Black males with disabilities, or
24 Latino English Learners with disabilities.

25 Whereas, educational inequities cannot be effectively identified and addressed during the
26 COVID-19 recovery until student data is made available in a manner that focuses on the most
27 vulnerable subgroups of students.

28 SECTION 1. Section 1I of Chapter 69 of the General Laws, as appearing in the 2018
29 Official Edition, is hereby amended by inserting after the fifth paragraph the following
30 paragraph: -

31 In order for the department to: address educational inequities through a data-driven
32 approach; report data in a manner that specifies the demographics of students facing the most

33 significant inequities; and ensure that educational inequities can be effectively identified and
34 addressed during the COVID-19 recovery and beyond; The department shall annually analyze
35 and publish in an easily accessible and user friendly manner the student-specific data provided
36 by school committees and charter schools pursuant to: section 1I of Chapter 69; sections 37G,
37 37H, 37O, 37P, and 89 of Chapter 71 of the General Laws; sections 3 and 7 of Chapter 71A of
38 the General Laws; section 6 of Chapter 71B of the General Laws; section 2A of Chapter 72 of
39 the General Laws; statewide assessment data utilized as a basis for competency determinations
40 pursuant to section 1D of chapter 69 of the General Laws; and any other data required by the
41 federal office of education, provided that said data required by the federal department of
42 education is also student-specific data and can be cross-tabulated. The department shall provide
43 said data in a manner that can be easily cross-tabulated by, at a minimum, the following: each
44 major racial and ethnic group; sex; economic status; high needs status; English learner status;
45 and category of disability, if applicable. The information shall be presented statewide and also
46 disaggregated by school committee, charter school, and individual school in a manner that is
47 anonymized and does not reveal personally identifiable information about an individual student.
48 Publication shall include, but need not be limited to, availability on the department's worldwide
49 web site.

50 SECTION 2. The sixteenth paragraph of said Section 1I of Chapter 69 of the General
51 Laws, as so appearing, is further amended by striking out, in clause (g), the word “and” the
52 seventh time it appears.

53 SECTION 3. The sixteenth paragraph of said Section 1I of Chapter 69 of the General
54 Laws, as so appearing, is hereby further amended by inserting after the word “learners” in clause
55 (h), the following words: - ; and

56 (i) The number of children, by grade level, within each disability category receiving
57 specific special education services, including but not limited to: each related service; assistive
58 technology, including but not limited to augmentative and alternative communication;
59 supplementary aids and services; positive behavioral interventions and supports; behavioral
60 intervention plans; vocational education; travel training; and community-based transition
61 services; provided further that school districts and charter schools shall only be required to
62 provide said information regarding number of children receiving specific special education
63 services when the department provides school committees with an online web-based IEP
64 application aligned with the special education services requiring reporting under this section.

65 SECTION 4. Section 6 of Chapter 71B of the General Laws, as appearing in the 2018
66 Official Edition, is hereby amended by inserting after the first sentence the following sentences: -
67 School committees shall also annually report to the department, pursuant to regulations
68 promulgated by the department, delivery of specific special education services by each major
69 racial and ethnic group, sex, economic status, and English learner status of children by age level,
70 including but not limited to delivery of: each related service; assistive technology, including but
71 not limited to augmentative and alternative communication; supplementary aids and services;
72 positive behavioral interventions and supports; behavioral intervention plans; vocational
73 education; travel training; and community-based transition services. This annual reporting by
74 school committees to the department shall only be required when the department provides school
75 committees with an online web-based IEP application aligned with the special education services
76 requiring reporting under this section. This information shall be cross-tabulated by, at a
77 minimum, the following: each major racial and ethnic group; sex; economic status; and English
78 learner status. The information shall be presented statewide and also disaggregated by school

79 committee, charter school, and individual school in a manner that is anonymized and does not
80 reveal personally identifiable information about an individual student.

81 SECTION 5. The second sentence of said section 6 of Chapter 71B of the General Laws,
82 as so appearing, is hereby amended by inserting after the word “assignment” the following
83 words: - or pattern of delivery of the aforementioned specific special education services.

84 SECTION 6. The second sentence of said section 6 of Chapter 71B of the General Laws,
85 as so appearing, is hereby further amended by inserting after the words “substantially
86 disproportionate from the distribution” the following words: - or if there is a statistically
87 significant increase in the rates of assignment of students with disabilities to substantially
88 separate classrooms for any racial or ethnic group in any of the five years following the
89 Governor’s Declaration of a State of Emergency due to COVID-19 in March 2020, as compared
90 to the 2018-19 school year.