



**MOEC Legislative Priorities
April, 2023**

The Massachusetts Organization of Educational Collaboratives (MOEC) represents its members on a range of legislative issues.

MOEC's advocacy is premised on:

- Equity in educational opportunity for students served through collaboratives
- Equity in access to high quality staff, facilities, curriculum and instruction

The FY23 Legislative Agenda has the following priorities:

- Equity Regarding Facilities
- Staffing/Educator Shortages including addressing one barrier through an amendment to the Ethics Law
- Adequate and Appropriate Special Education Funding

Facilities

On any given school day, approximately 4,000 students are participating in Collaborative schools and programs, in buildings owned and/or operated by Collaboratives or their member districts. Across the state, many Collaborative school buildings are in need of critical capital upgrades and improvements. As Collaboratives' capital expenses are excluded from reimbursement from the Massachusetts School Building Authority (MSBA), and because collaboratives do not have access to other funding for these necessary projects, critical projects are being delayed or prevented from moving forward.

Additional funds are also needed to allow for an expansion and enhancement of school facilities for our Collaborative programs. Massachusetts is urged to consider addressing this need to ensure the continued provision of quality programs and services in a responsible, accountable and cost-efficient manner. When considering funding relief, please ensure that there are incentives for the provision of high quality programming and services in the most regionally accessible and least-restrictive public settings.

We request that a remedy be created to allow for a mechanism whereby state funds may be used for Collaborative capital projects and acquisition of school facilities without overburdening our sending districts. We support *An Act providing school building assistance for special education collaboratives* (H569) filed by Representative Kusmerek and Senator Olivera. These bills have been referred to the Joint Committee on Education at this time.

MOEC action taken to date:

- Asked that MSBA reconsider the Authority's practice/policy of denying "new" spaces in LEA building project proposals. Space requirements today for our elementary students with disabilities will lead to space requirements in the future at the middle and high school levels. A policy that precludes that reality results in the denial of appropriate educational spaces in the least restrictive setting. In such circumstances, our member collaboratives are left to retain market rate private rental space at an additional and unnecessary cost to the Collaborative member school districts and their communities and reduces the opportunities for students to be served in an inclusive environment.
- Requested that MSBA develop incentives for districts seeking to include Collaborative special education classrooms in their capital projects through the Massachusetts School Building Authority (MSBA).
- Requested that MSBA allow Collaboratives to provide funding at the MSBA rate to offset the additional cost to LEAs to add additional classrooms to their MSBA facility projects with long-term commitments to the Collaborative for use of the space.

Educator Shortages

Collaboratives and the districts they serve must ensure they have qualified and highly effective employees. We are currently facing a nation-wide special educator shortage with which Massachusetts is in alignment. We have reached a serious level of concern about our ability to safely serve students with the highest needs.

- Staffing shortages are a short and long term need, with an urgency right now. Student needs, including behavioral health needs, were increasing prior to COVID but have significantly intensified subsequent to COVID.
- There are often few if any applicants for positions available.
- There are particular barriers for certain groups (including teachers of students with severe special needs or teachers of the deaf) to get MA licensure due to the multiple MTELs required for those positions which may not align with the priorities of the role, particularly the Mathematic test requirements.
- Consequences of these staffing shortages:
 - Admissions in more intensive programs are slowed, and in some cases halted, due to staffing shortages.
 - Our highest need students are typically the most difficult to serve, therefore the staffing shortage creates issues of equity and access.
 - The acuity of needs of students being referred from public schools requires higher than typical staffing levels so schools are not always able to accept the student for placement.
 - Students cannot be “stepped down” to less intensive programs or vice versa, because there are not enough placement openings. Some students are being kept in inappropriate placements as they await admission.
 - Lack of special education van drivers creates a situation where students who are accepted into placements have no transportation to school.

We recommend a Commission be established to explore ways to expand the pipeline of special educators and to address barriers to entry into the field to encourage a diverse and culturally responsive workforce. This would require the involvement of various state agencies so that such a Commission could explore a variety of ideas to increase the number of new teachers in the near future. Collaboratives currently partner with various state universities to provide educator licensure programs and would serve as an asset to such a Commission if included.

MOEC action taken to date:

- Regional Liaison Representatives discussed with the Commissioner about the difficulties for certain groups to get MA licensure due to the multiple MTELs required for special education applicants, particularly the Math subtest.
- Met with the Joint Education Chairs along with statewide Administrators of Special Education and the Massachusetts Association of Approved Private Schools (MAAPS) to share concerns and explore ideas.

Ethics Bill Amendment

Educational Collaboratives are designed to create efficiencies and share expertise across multiple school districts. However, because Collaboratives are a legal extension of their member school districts, MGL 268A, Section 20 prohibits an employee of a public school district from taking a part-time, temporary, or stipend position with a Collaborative if the district in which he or she is employed is a member of that Collaborative. This severely limits the pool of qualified candidates for services in a geographic area.

Under special education law, Collaboratives are required to provide the services outlined in each student's Individualized Educational Plan (IEP). However, because Collaborative employees are considered "municipal employee[s] for purposes of the conflict of interest law" it can become an extreme hardship for some Collaboratives to support the students and districts we serve who rely on the expertise and qualifications of the educators and school health professionals in our geographic regions.

- Services often include summer and extended day requirements which our students and districts rely on the Collaboratives to provide.
- Collaboratives are unable to tap into the knowledge and expertise of any local educator in its membership area to provide regional staff training or coursework.
- There are existing statutory and regulatory protections for all applicants to have access to open positions within Collaboratives that are designed to provide a level playing field eliminating the need for the restrictions created by MGL 268A.

In our effort to remove this barrier to this staffing crisis and enhance our ability to provide critical IEP services to our students, we respectfully request the passage of H3087 and S2042: *An Act Relative to Educational Collaboratives* filed by Representative Markey and Senator Olivera. These companion bills have been referred to the Joint Committee on State Administration and Regulatory Oversight at this time.

MOEC action taken to date:

- MOEC has been advocating with the Ethics Board and legislators to correct this situation for several years.
- We have submitted multiple re-files of an amendment to the Ethics Law to remove that barrier to providing efficient and effective services.
- MOEC testified at FY22 hearing with the Joint Committee on State Administration and Regulatory Oversight and the amendment was voted favorably out of committee two years in a row but has not been brought to a full vote.
- DESE and the Ethics Board both have expressed support for these changes.

Adequate and Appropriate Special Education Funding

We support the establishment of a Commission to explore the health and sustainability of Special Education in Massachusetts including: fiscal/funding needs; capacity to address increasing student needs, including interagency support available to students.

As part of its work, we recommend the Commission look comprehensively at the fiscal sustainability of the state special education funding/circuit breaker formula. This work may include consideration of lowering the threshold for reimbursement under Circuit Breaker to incentivize placement in the Least Restrictive Environment for students to be served in both public school and public Collaborative programs. The original Circuit Breaker legislation envisioned a two tiered threshold with the lower threshold applying to public programs, including Collaboratives. We believe this methodology should be revisited.

Collaboratives provide high quality programs and services in a cost effective way to students with complex needs. We save districts and the state tens of millions of dollars every year. However, while Collaboratives' tuition is kept relatively low, and approved by our district members, there is little to no reimbursement to school districts for students placed in collaboratives because our average tuition does not meet the current cost threshold for reimbursement. We believe the Commission should review the formula and consider lowering the threshold for eligibility for circuit breaker funding to encourage cost effectiveness, and we respectfully request that MOEC be included on such a Commission.

H571, *An Act relative to the long-term fiscal health and sustainability of special education in the Commonwealth* filed by Representative Adam Scanlon and Michael Kushmerek is designed to consider the health and sustainability of special education funding. MOEC supports this bill and believes that we would be strong contributors to this discussion. We respectfully request consideration to be a member of the Commission if it should go forward.

Additionally, we request the passage of H527 and S33, *An Act relative to adjusting approved costs thresholds* filed by Representative Kusmerek and Senator Olivera. These bills have been referred to the Joint Committee on Education at this time.