

Lag Time

How Policy Compliance Failures Delay Special Education Support for Boston-Area Children

JUNE 2023



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Introduction: A Troubling Pattern of Delays for Families of Students with Special Needs

Since 2021, EdNavigator has partnered with healthcare providers in Boston, MA to connect families in need of PK-12 education support to expert “Navigators.”

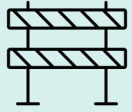
Navigators help these families enroll their children in school, navigate the special education process, and troubleshoot other school-related issues.

This analysis documents the challenges that many of these families have experienced in attempting to access critical educational and

developmental support services for their children between September 2022 – January 2023.

These challenges are more than simple paperwork errors or inconveniences. For many families, they involve repeated bureaucratic failures to comply with clearly established federal and state civil rights legislation, most notably including the Individuals with Disabilities Education Act (IDEA).

Summary of Findings



Bureaucratic delays and dysfunction are common for Boston-area families seeking special education support.

Even with professional support, one in four families (26%) encounters a compliance failure in violation of federal law.



These compliance failures often keep vulnerable students from accessing essential services for months.

School enrollment and direct services (such as speech therapy and instructional support) are delayed by 3-6 months.



Families of children aged 2-4 are especially likely to encounter these issues.

34% of referral families with a child aged 2-4 encountered a compliance failure, vs. 20% of those with older children.



Reasonable, common-sense changes and improvements would reduce these failures.

For example, better coverage planning for staff absences and improved tracking of special education requests.



BACKGROUND

EdNavigator & the Pediatric Referrals Model

About EdNavigator



- EdNavigator is a nonprofit organization that helps busy parents and caregivers support their children's educational success.
- Our partnerships with leading healthcare providers enable pediatricians and other practitioners to refer families to an expert Navigator for personalized, 1:1 assistance with school enrollment, special education support, and other school-related challenges.
- We use an outcomes-oriented approach and focus on families who face economic, cultural, or language barriers to accessing quality educational opportunities.

Meet a
Navigator:

Ivette Rubio



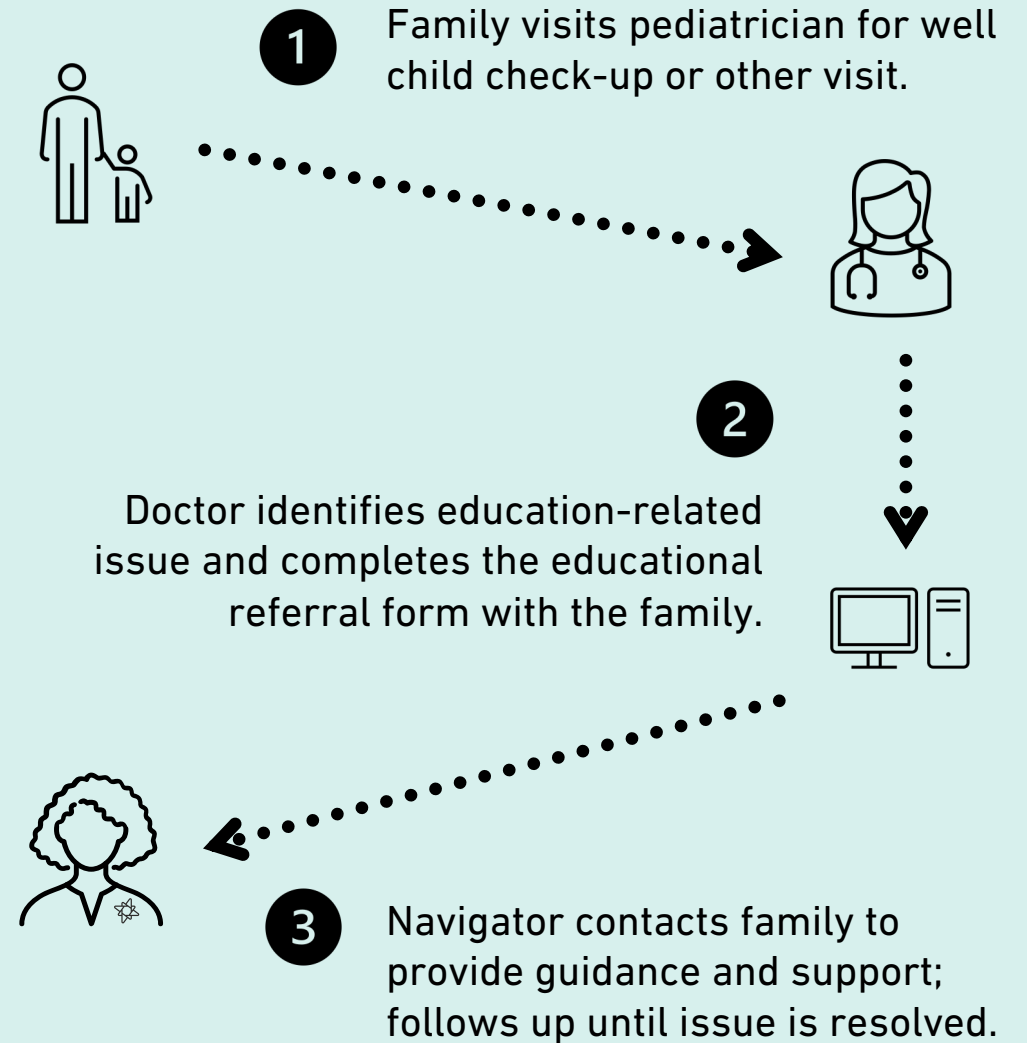
Experienced educator with a background in middle school math and science and college and career programming. Holds an M.Ed. in Elementary Education from Boston College, as well as multiple certifications in special education and English as a second language.

In Boston, EdNavigator has supported pediatric referrals from East Boston Neighborhood Health Center (EBNHC) since 2021.

East Boston Neighborhood Health Center provides easily accessible, high-quality health care to families in and around East Boston. It manages over 500,000 visits per year.



REFERRAL PROCESS OVERVIEW



EdNavigator has supported nearly 900 pediatric referrals in Boston to date.

These referrals are for children aged 2½ – 18 whose families need assistance in one of two major areas:



School Enrollment

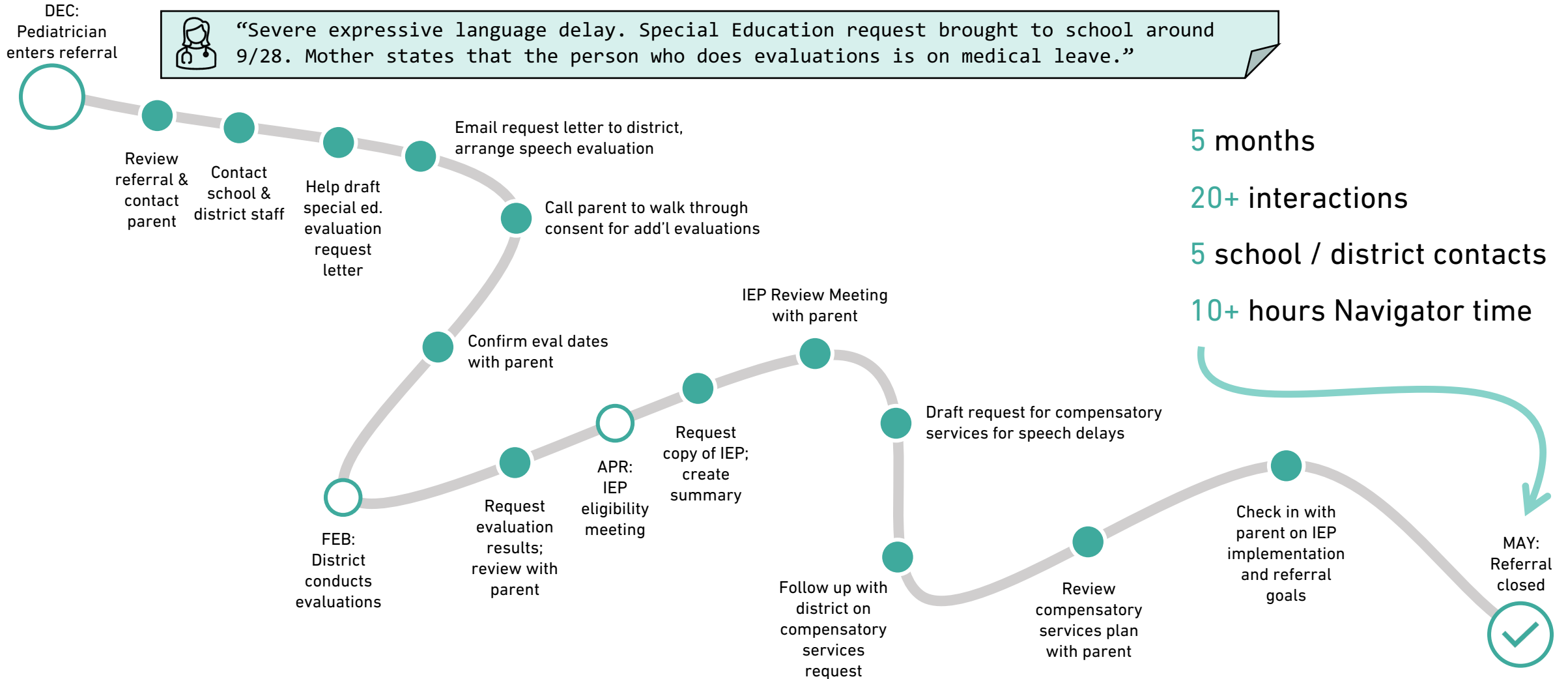
- Identifying appropriate public schools or preschools
- Navigating the enrollment process
- Addressing language barriers
- Supporting families who are homeless
- Supporting recent immigrants



Academic Support

- Navigating the special education / 504 Plan process
- Assisting families of English Language Learners (ELL) and ensuring families receive translated information
- Supporting students with limited or interrupted education (SLIFE)

A single referral can take months to resolve.





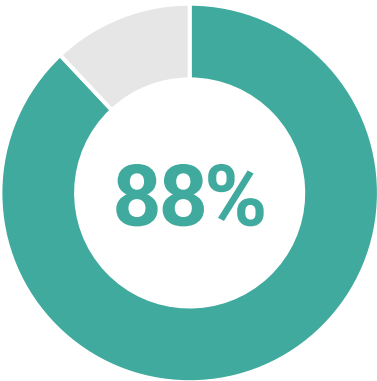
METHODOLOGY

Tracking School and District Compliance Failures

Family Characteristics

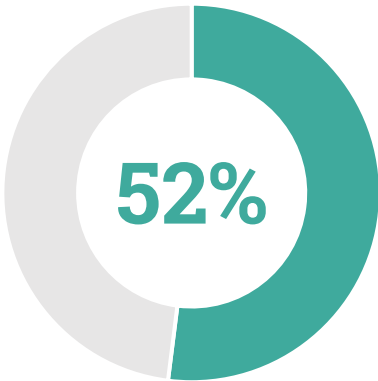
This analysis is based on the experiences of 312 families who were actively supported by EdNavigator between September 2022 – January 2023.

HOME LANGUAGE OTHER THAN ENGLISH



88% speak a language other than English at home (85% speak Spanish)

CHILD AGED 5 OR UNDER



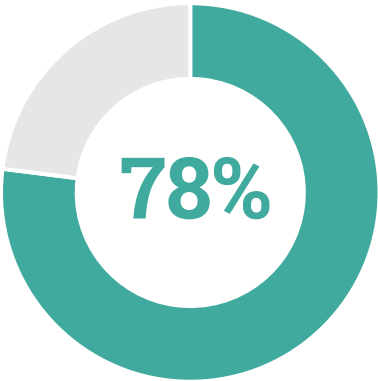
Most referrals (52%) involve a child aged 5 or younger

BOSTON-AREA SCHOOL DISTRICTS



Nearly all (94%) referrals involve 8 Boston-area public school districts

SPECIAL EDUCATION NEEDS



Three in four (78%) referrals involve special education support

Federal and state laws clearly define what public school districts must do to support children with special needs.

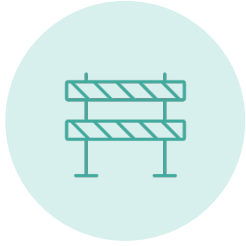
Individuals with Disabilities Education Act (IDEA)

- Passed by Congress in 1975 to ensure that children with physical, emotional, or intellectual disabilities are not denied educational opportunities.
- Articulates students' and parents' rights and includes specific processes and timelines for evaluating students and providing appropriate special education supports.
- Mandates for states to provide “early intervention” services to children with disabilities from 0-3 were added in 1986.
- “Child Find” requires states and public school districts to have policies and procedures in place to identify, locate, and evaluate children who may need special education support.

Commonwealth of Massachusetts General Laws for Children with Special Needs

- Schools must also comply with provisions of Massachusetts state law regarding the supports children with special needs are entitled to, how they should be evaluated, and other considerations.

Tracking Compliance Failures



139

This analysis includes 139 individually documented compliance failures.

- Navigators use a secure data system to manage information about each referral they support.
- In addition to tracking basic information and the progress of each referral case, Navigators document interactions with the family, school and district employees, and other contacts.
- When timelines or procedures guaranteed to families by federal or state law are violated, Navigators log the issue as a compliance failure associated with the support case.
- A single family may encounter multiple compliance failures. We identified approximately 30 families in this category, or about 10 percent of all families we supported within this timeframe.

What's a "compliance failure"? Some examples:

By law, school is required to send family IEP evaluation consent form and Parent's Notice of Procedural Safeguards within 5 school days of request.

- X School takes 15 days to respond to request
 - X School provides documents in English to parent who only speaks Spanish
-

By law, all evaluations and documentation of the IEP (if needed) must be completed within 45 school days of receipt of family's consent.

- X School informs family that process will be delayed because employee responsible for evaluations is on leave for six weeks
 - X School takes a month to arrange evaluations and another month to complete them
 - X School conducts only some of the planned evaluations, not all
-

By law, special education services must start "without delay" after family accepts the child's IEP.

- X School insists services cannot start until a later date, often months away, due to staffing considerations
-

By law, schools must provide enrollment materials to families in a language they can understand.

- X School does not provide translated enrollment materials
- X School asks family to find someone to serve as interpreter



Key Findings

FINDING #1

Bureaucratic barriers are impeding families from accessing essential educational supports.

Violations of federal civil rights laws and policies are common.



1 in 4 families

encountered a compliance failure while attempting to enroll in a school or access special education services for their child

Examples of compliance failures captured by Navigators

LENGTHY TRANSLATION DELAY

“IEP was shared on 12/2 but in English only. Parent unable to review English IEP. As of 1/26 IEP has yet to be given to parent in Spanish.”

DISCONTINUITY OF IEP SERVICES

“Child has not been re-evaluated for speech or received speech services yet this school year due to speech therapist being out on leave.”

UNAVAILABLE EVALUATIONS

“Parent signed eval consent on 8/5. The sped coordinator called [Navigator] on 8/23 to say the district would be unable to complete a bilingual speech eval.”

DELAYED SERVICES

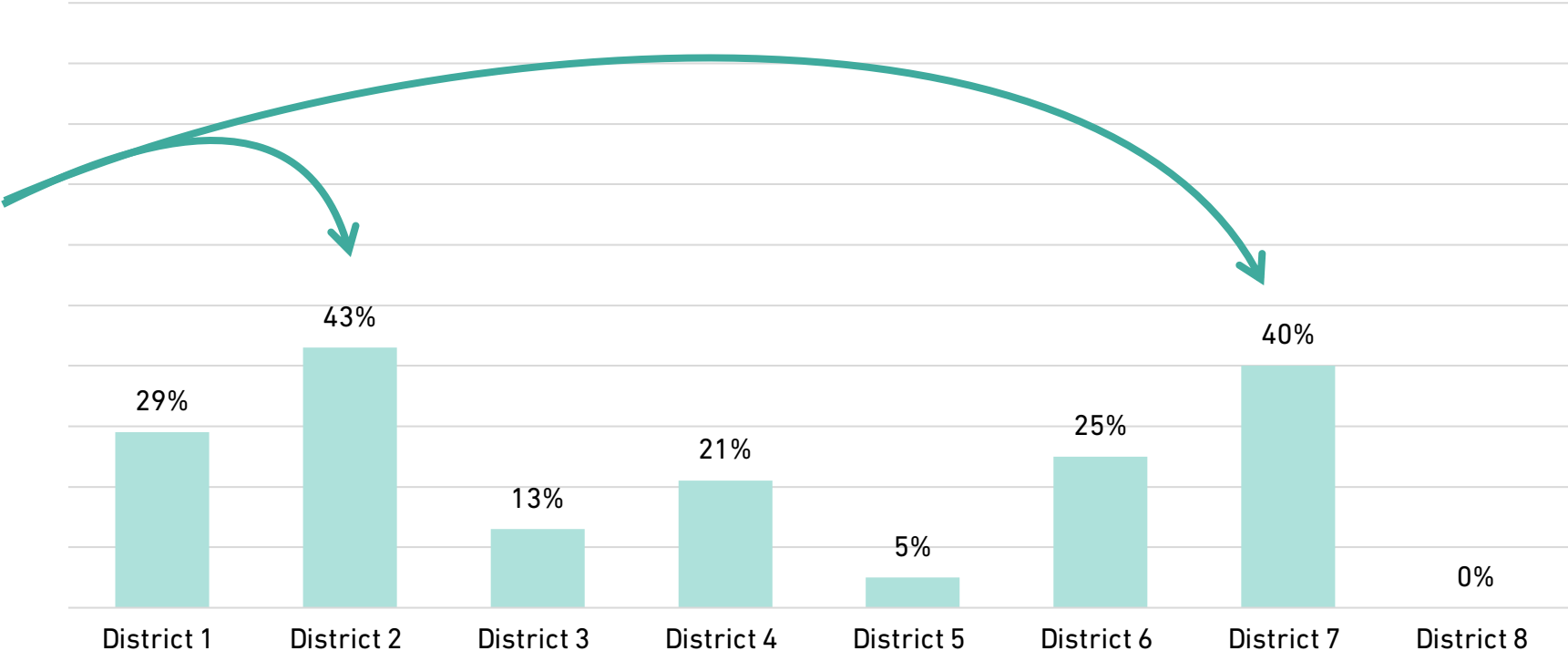
“Student did not get to start kindergarten until November due to school trying to find staff for student to be supported one on one given his physical needs. Mom got little information in between.”

Compliance failures are more common in some Boston-area districts than others, but the problem is systemic.

99% of compliance failures involved 8 Boston-area school districts.

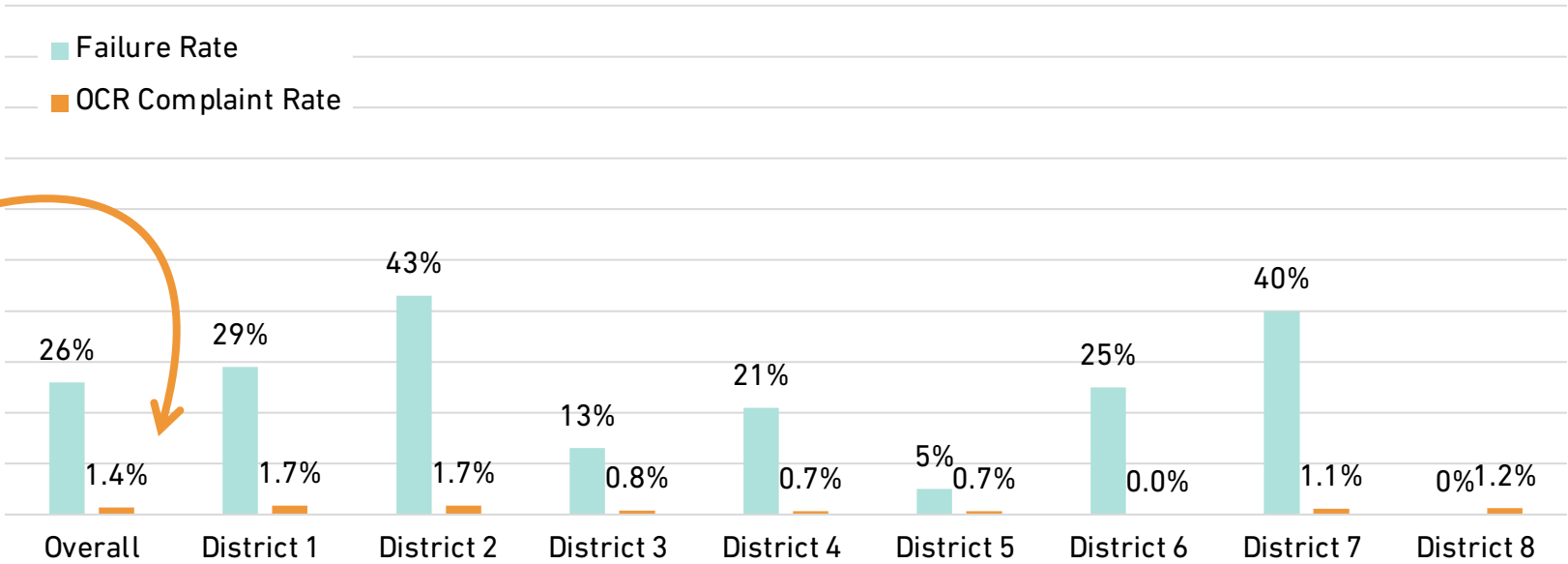
Two school districts demonstrated a failure frequency of 40% or more—meaning nearly *half* of all referral families involved with those districts encountered a compliance failure.

Compliance Failure Rate by District

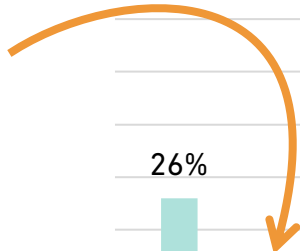


Families are experiencing many more compliance failures than official complaint counts suggest.

Compliance Failure Rate vs. Rate of OCR Complaints (2019-20), by District



Families *could* file official complaints with the U.S. Department of Education’s Office of Civil Rights (OCR) about these failures, but our data suggest that they rarely do.



Source: Documented complaints to the U.S. Department of Education Office of Civil Rights vs. special education enrollment by district, 2019-2020

Districts and schools are not solely responsible for delays in the special education process.

Busy families sometimes...

- Forget to respond to messages
- Take time to sign important documents
- Neglect to update contact information
- Miss scheduled meetings
- Change their minds



But remember, every family in this analysis had a Navigator helping them...

- Understand the process
- Decipher documents
- Make information requests
- Arrange and prepare for meetings
- Communicate with key contacts
- Sign and return paperwork

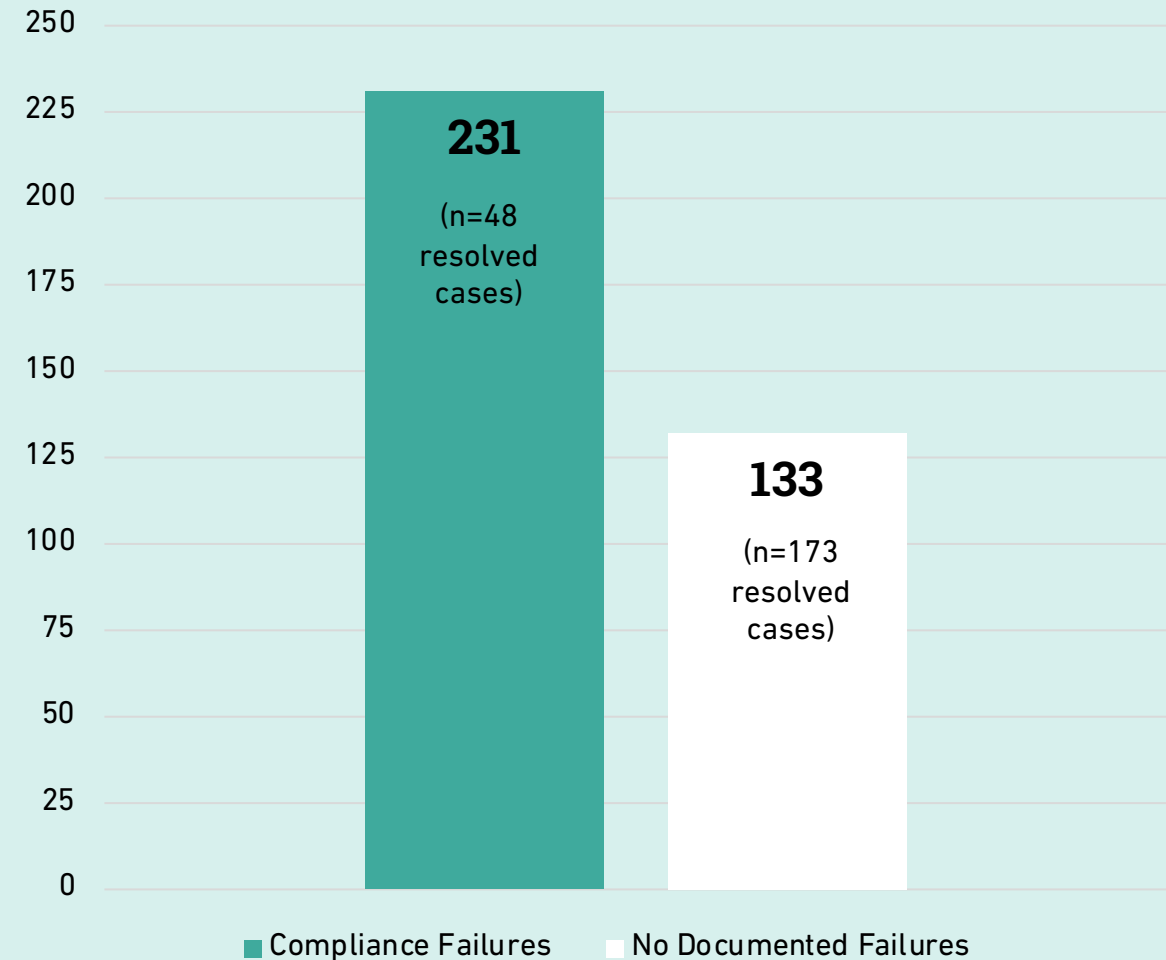
... and these failures occurred nonetheless.

FINDING #2

These barriers result in delayed services for students, which can have lasting educational consequences.

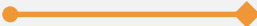
Compliance failures typically result in student service delays of 3-6 months. Families of students in need of speech and occupational therapy, autism support, and other critical school-based supports must go without them in the meantime.

Avg. Time for EdNavigator to Complete Referral Support Process (Days)



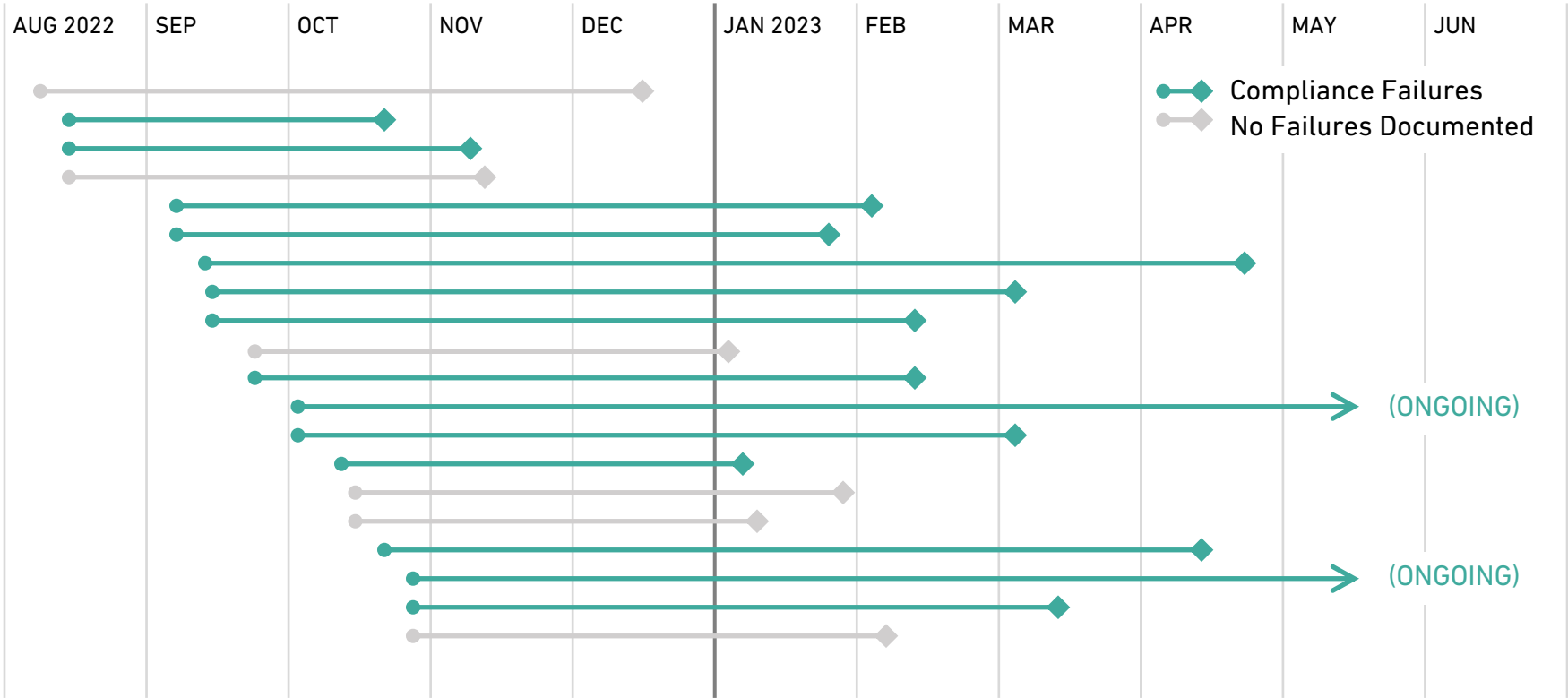
Simply getting to the initial IEP eligibility meeting can be a journey for families who encounter compliance failures.

MANDATED TIMEFRAME = ~50 DAYS

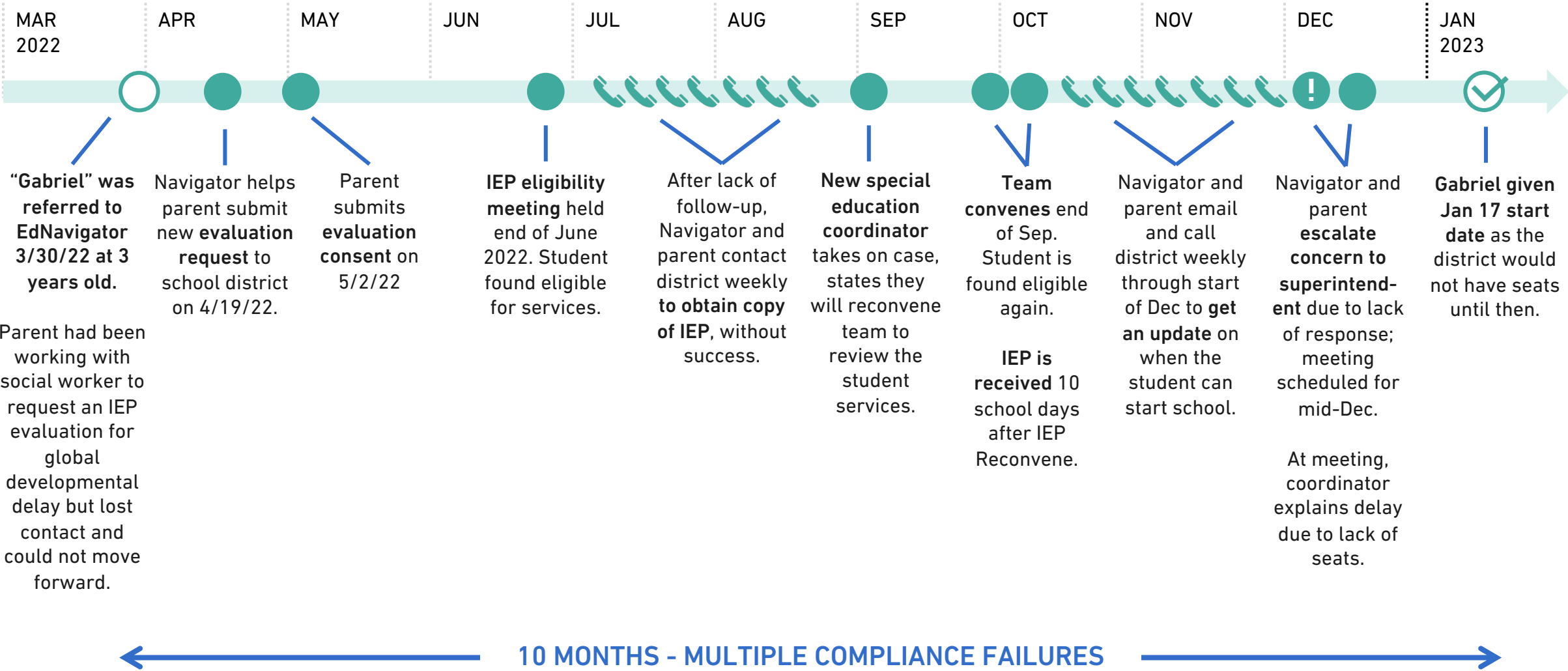
DATE OF EVAL REQUEST  DATE OF IEP ELIGIBILITY MEETING

Of 20 referral families who requested special education evaluations for their children in Aug – Oct 2022, 14 (70%) encountered compliance issues in the first steps of the process.

For some of these families, nearly *an entire school year* passed before their IEP eligibility meeting was conducted. And that's just the beginning.



Case Study: The Impact on “Gabriel”

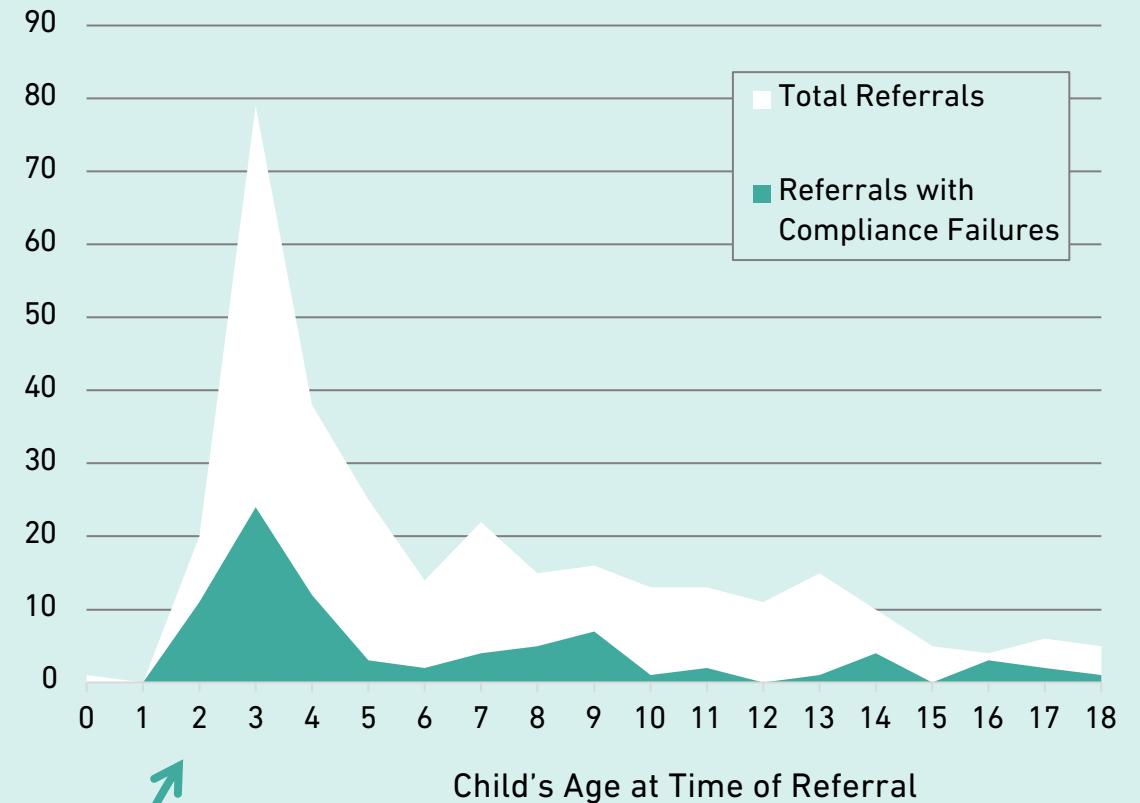


FINDING #3

Families of children aged 2-4 are especially likely to encounter these issues.

These are preschoolers and rising kindergartners whose families are counting on the public school system for critical services and support.

Number of Referrals by Child's Age

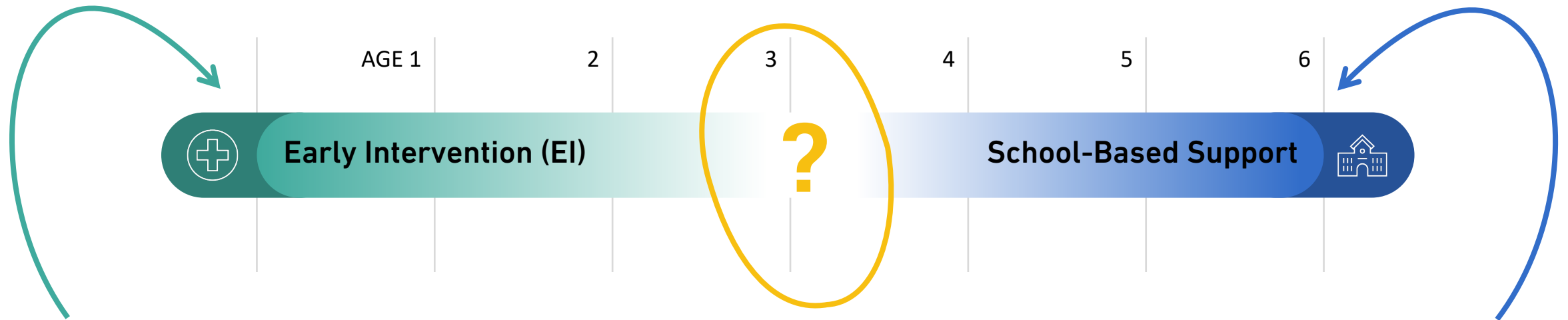


34% of referred families with a child aged 2-4 experienced a compliance failure, vs. 20% of those with older children.

Why? Many families struggle to navigate the gap between healthcare and education systems.

57% of compliance failures involved children aged 2-4

29% of compliance failures involved 3-year-olds, specifically



- For children with/at-risk of developmental delays, ages 0-3
- Administered by state
- In Massachusetts, anyone can make a referral to EI
- Covered by insurance
- School referrals from EI are supposed to occur at age 2 ½

- Provided by public schools / districts
- May require additional evaluations or assessments
- Developed around child's IEP
- "Child Find" requires school districts to identify children who may need special education support from age 3

Delays in services put already vulnerable children at a disadvantage before they can even get to kindergarten.

Children from low-income families and emergent bilingual students often start school behind.

“By school entry, the gap between the wealthiest children and the poorest children is already pronounced. Children from low-income families are a year or more behind their more advantaged peers.... The gaps that start at an early age only grow larger, and catching up becomes ever more difficult. By the first grade, for example, there is a full one-year reading gap between English language learners and native English speakers—a gap that increases to a two-year gap by the fifth-grade.”

- Center for American Progress

These disadvantages tend to follow students throughout their school experience.

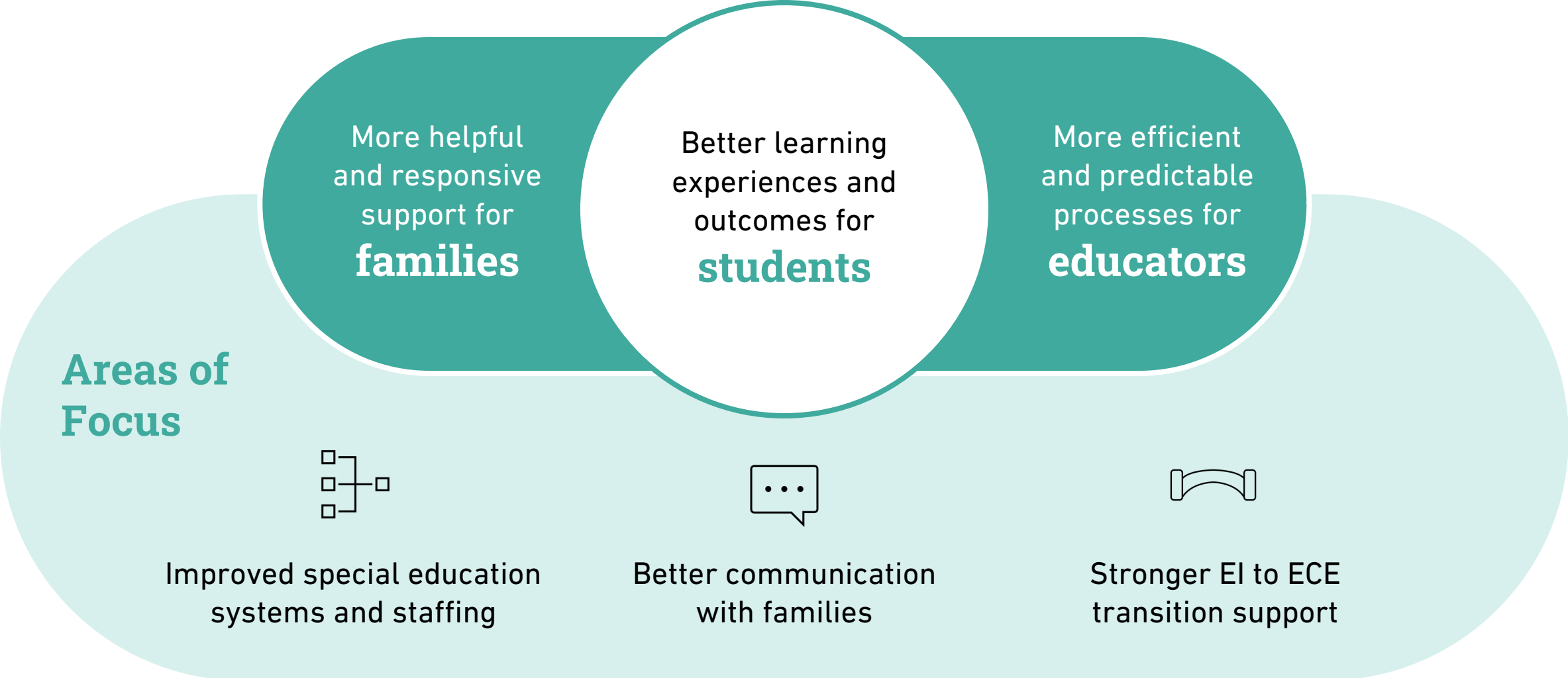
“Overwhelming evidence shows that children who enter kindergarten behind are likely to remain behind throughout their educational careers and beyond. These gaps in achievement are difficult and expensive to close with K-12 education alone, and they can last a lifetime.”

- First Five Years Fund



Recommendations

What's the goal?





RECOMMENDATION #1

Improve district special education tracking systems and staffing.

Many compliance failures are rooted in a lack of staff capacity and inadequate tracking of IEP cases. Better technological systems and increases in staff capacity (and accountability) would enable school districts to process requests more efficiently.

- Institute (or improve) district-wide systems that enable staff to track students with IEPs from request to implementation.
- Actively monitor progress toward IDEA timeline requirements.
- Audit eligibility process on a regular basis to identify sources of delays or bottlenecks.
- Offer compensatory services proactively if there are unavoidable delays.
- Ensure there is sufficient staff capacity to provide enrollment assistance and respond to IEP requests.
- Require staffing coverage plans for vacations, leaves, retirements, terminations, and resignations.



RECOMMENDATION #2

Communicate with families more clearly and responsively, in language they can understand.

Poor communication makes an already complex and stressful process even more confusing and opaque for families. Ensuring that families who do not speak English get properly translated information and access to trained interpreters is essential.

- Arrange for reliable and accurate translation and interpretation services.
- Use a consortium approach across districts for serving less common language needs.
- Implement and monitor clear policies for employees on responsiveness and use of family's preferred language.
- Provide clear up-front guidance for families navigating IEP / school enrollment processes.
- Offer regular proactive updates to parents on case status and next steps.
- Capture and use each family's preferred method of communication (e.g., text, phone, email), and explore use of video for sharing information.
- Eliminate unnecessary process steps and paperwork.
- Survey families about their experiences and use the data to improve processes and service.



RECOMMENDATION #3

Support families through the transition from Early Intervention to school-based support.

States and public school systems need to collaborate to address the age-3 gap in support for children who are transitioning out of Early Intervention and into early childhood education programs or school settings.

- Improve data-sharing and coordination between Early Intervention teams and school districts.
- Develop a transition program that includes a clear hand-off of EI cases in a timely manner.
- Regularly compare data on children receiving EI support to school registration data to identify and support families who may need additional assistance.
- Explore opportunities to provide individualized case management support to families transitioning out of EI.



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