

ACCOUNTABILITY IN POLICY IMPLEMENTATION:  
ASSESSMENT OF PARENT PARTICIPATION  
FEATURES IN MASSACHUSETTS CHAPTER  
766

by

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B.A., Wellesley College  
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Submitted in partial fulfillment  
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ABSTRACT

What follows is a testimony to the statement that parents are a child's best advocate. Through interviews, newspaper reports and documentation of lawsuits I have constructed the travail of one group of parents in the western part of Massachusetts in the town of Chicopee. Like all parents they are concerned with getting the best educational services for their children. But, unlike the majority of parents in the Commonwealth, their children have some sort of disability that would make learning difficult in a regular classroom setting.

However, as of 1972 the law in Massachusetts, by virtue of Chapter 766, and supported by the U.S. Constitution's Fourteenth Amendment, says that regardless of a child's disability he/she has the right to equal educational opportunity, and that it is the responsibility of the child's school to find and implement an educational program that will specifically meet the needs of that particular child.

It was the intention of legislative framers that parent involvement in the educational process be deliberate in order to ensure special education providers are accountable for the education of their disabled children. The thrust of the thesis is an examination of the effectiveness of these parent participation features from the perspective of parents of disabled children. Chicopee parents three year struggle points to many inadequacies in parental involvement mechanisms; a number of critical issues to be resolved in the implementation of 766; and the need for continued struggle by parents in order that special education providers meet their responsibilities, as outlined in Chapter 766.

Thus, on the one hand we can praise Chicopee parents for being tenacious in their attempt to obtain educational services for their children. Yet, on the other hand it should be realized that they are doing "what they have to" in order to ensure that their children will achieve their maximum potential as individuals in today's American society. They do not view themselves as having any options. And although it isn't a game, their strategy suggests they mean to win!

Melvin King, Professor of Department of Urban Studies and Planning.

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### Introduction and Statement of Problem

For many years physically, mentally, and emotionally handicapped children have been denied equal educational opportunity in this country. Disabled children have literally been blocked from entering schools with a variety of strategies. Some of those used by schools have been postponement, exclusion, suspension and outright denial. Massachusetts citizen's were shocked when the Task Force On Children Out of School published its report in 1970 showing thousands of children had been barred from access to Boston Public Schools because they were non-English speaking, had a physical or mental handicap, were a pregnant teen, or had problems with speech, hearing or vision.

Despite the stun of the Commonwealth's citizenry, parents of these children knew this as a way of life. And these same parents have waged struggles against school systems and administrators in a concerted unified effort to negotiate responsiveness on the part of educators. And when such efforts failed parents have taken their cases to the court system in order to force accountability. For example, in the 1968 case of Arreola v. Board of Education in the Superior Court of Orange County, California. Eleven Mexican-American public school children ages 5-18 years were seeking an injunction to prohibit the continuation of special classes for the educable mentally retarded until certain reforms were made. Such reforms included; that a hearing is held before placement as required under the due process clause of the Fourteenth Amendment of the U.S. Constitution; that the IQ test used to determine placement must recognize cultural differences among students, particularly the Mexican-American students before the court; and that classes for the mentally retarded provided an educationally meaningful curriculum and periodic retesting.

The plaintiff's demand for more appropriate testing had become moot due to a previous court ruling. But, the real thrust of the Arreola case, according to legal observers, was its demand for parental participation. Participation that would not only notify parents of pending action, but would also give them the opportunity to reject such a decision if they so wished. Plaintiffs also argued successfully that in educational placement litigation the labelling "mentally retarded" is a stigma", an official branding of a person" and therefore the imposition of such requires a notice and a prior hearing, in keeping with due process rights.

Thus, when Massachusetts Chapter 766, the Comprehensive Special Education Act, became law in 1972, to take effect in September 1974, another victory appeared imminent for parent and child advocacy groups seeking to change the plight of disabled young people. Very likely parents of special needs children welcomed with open arms the passage of what they perceived to be reform legislation for the benefit of their children. Help from a society which only very recently in the last two decades, had begun to accept children who are "different", and to some extent stop blaming parents for those differences has been an unrealized goal for many parents for many years.

Chapter 766 represents a fundamental improvement for these neglected children. And it also serves to reconfirm in the form of stated policy the Commonwealth's commitment/responsibility to all of its children and specifically its special needs children. This law differs from prior laws regarding special education, in that old laws regarding special education designated categories into which children had to fit, while 766 recognizes an enormous range of needs which might require special education. Instead of placing children in pre-determined programs which often do not fully meet their needs, the law now requires special programs to be designed for each particular child.

The law also differs on another significant point. And that is 766 seeks to deal directly with provider to consumer accountability through its policy's design. Framers of the legislation (undoubtedly with the aid of parents and other concerned community members) recognized that present inadequacies and inequities in the provision of special education services to children with special needs have resulted largely from the lack of parent and lay involvement in overseeing, evaluating, and operating special education programs. And it was their intention that this special education act be designed to incorporate such involvement through the creation of regional and state advisory committees, with significant powers, and by specifying an accountable procedure for the evaluation of each child's special needs before placement.

The assumption legislators are making here is a critical one underlying this new law. And it is that parent involvement in the decision-making process can enhance the delivery and quality of educational services for their children. True, there are several significant features of 766 that aim to change the plight of these young people, such as mainstreaming. But given the way in which the law is constructed, such features are critically dependent on parental involvement. Parents represent a theoretical variable whose input is felt to ensure quality education to those children systematically excluded in the past. For example, a child's educational plan is not considered to be complete or operational until it has been thoroughly examined, criticized, and accepted in writing by his/her parent.

Considering that such a law seeks to change the educational policy from a state level and by doing so change the actual decision-making process and behavior patterns of local providers to meet the individual needs of the disabled child, the issue of accountability is again of significant importance. For this issue encompasses not only the quality of the services delivered but

the concomitant provision of resources (financial, technical and skill) in order to ensure that this special education program be effectively implemented. Therefore, it can be readily realized that parental involvement must be mandatory if we are to follow our assumption and allow them, as parents, to be part of the decision-making process on all levels. Later this will be dealt with in the discussion of the laws mandated regional and state advisory committees.

By those knowledgeable in the field, Chapter 766 is considered to be a reform piece of legislation developed for and targeted at special needs children and their parents. However, despite the passing of four years of implementation, few studies have focused on the extent to which the state and local governments have been able to translate theory and intention into reality for special needs children and their parents. Or the extent to which parents have been able to force responsiveness on the part of providers, given their rights and procedure outlined within Chapter 766. According to the original premise the greater the parental involvement the better the quality of services special needs children receive. However, little has been done to delineate how a parent actually grapples with a new policy such as '766, and makes it work for his/her child. Therefore, it is the major thrust of this thesis to evaluate the parent participation features of Chapter 766 by asking the following:

"Can parent involvement as mandated in the Chapter 766 process force accountability on the part of special education providers in such a way as to enhance the delivery and quality of educational services to their disabled children?"

To seek an understanding of this issue is in actuality to assess the success of this program from the point of view of the consumer. Assessing not only the program's strengths, but its weaknesses and the resultant strategies parents utilize when 766 process fails, will give insight into how an account-

ability procedure can or cannot be effective for special needs children and their parents in a community setting. It will also serve to point out what policy makers still must do in order to implement positive change on behalf of the education of these disabled children.

The Issue of Accountability and Massachusetts Chapter 766

Notions of what constitutes accountability in education are themselves under much discussion. In some literature it is described as a concept emerging into its own definition-reflective of new experiences and theories that develop as a result of the various approaches toward the usage of accountability strategies in educational planning. Simplistic and intangible definitions of responsibility have given way to ideas about power relationships, consumer expectations, and provider results, as they relate to the educational process.

Stephen Barro in his article An Approach To Developing Accountability Measures For Public Schools suggests that despite its relative newness to

the educational vocabulary ... "There is little doubt about its general meaning and import for the schools. The basic idea it conveys is that the school system and schools, or more precisely the professional educators who operate them, should be held responsible for educational outcomes-what children learn. If this can be done, it is maintained, favorable changes in professional performance will occur and these will be reflected in higher academic achievement improvement in pupil attitudes and generally better educational results. This proposition that higher quality education can be obtained by making the professional responsible for their product is what makes accountability an attractive idea and provides the starting point for all discussions of specified accountability systems and their uses in schools."<sup>1</sup>

And still more pertinent to our present discussion writer Leon Lessinger says that ... "... in principle American educational philosophy has been that every child should have access to an education. This is the familiar, but still unattained principle of equal education opportunity. This has been translated into dollar allocations for the people and the things of education. When a child has failed to learn school personnel often assigned him a label "slow", "unmotivated" or "retarded". Accountability triggers a revised commitment that every child shall learn. Such a revision demands a "Can Do" spirit of enterprise, a willingness to change a system which does not work and find one that does; a seeking of causes of failure as often in systems, its

personnel, its organization, its technology, and its knowledge, as is now spent seeking it solely in students."<sup>2</sup>

Given these definitions of accountability, how then does Chapter 766 intend to force school systems and school personnel to be responsible for what the special needs child learns?

Chapter 766, is perceived to be reformatinal in that it moves, in the form of stated policy, from the "Can't Learn" to the "Shall Learn" philosophy. And programs that follow from this perspective are intended to have both control and flexibility; allowing parents, teachers, administrators as well as a variety of professionals to aid in the development of an educational plan that will maximize a child's learning potential regardless of his/her disability. The law itself mandates numerous responsibilities for each of the various actors and agencies at both state and local levels of the 766 implementation process. All of these actors/agencies must interact in an effort to service the special needs child and his/her parents. However, before we undertake a detailed discussion of child and parents rights vis-a-vis accountable procedure it would be helpful to understand who are the children considered to be eligible for special needs services.

Chapter 766 is intended to deal with children as young as three years of age, if it presumed that child will have some difficulties entering into a regular school program. And to deal with young people as old as 21 years of age, provided he or she has not received a high school diploma. A child who would be considered a child with special needs and therefore requiring some specified form of special education is a child that the law defines as:

".. a school age child who has been determined by a Core Evaluation Team (CET) to be a child with special needs or has been referred to a program as outlined in the law. Such determination or referral must be based upon a finding that such 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 disabilities, or any combination thereof, is unable to progress effectively in a regular education program and requires special education."<sup>3</sup>

As mentioned previously Chapter 766's goal is to provide equal education opportunity for all Massachusetts children, and particularly its disabled children and youth. The law seeks to achieve this with the development of an educational program "tailormade" to fit the special needs of the individual. However, in order to realize this commitment a number of key actors are involved in this process. Primary among them are parents, teachers, and school administrators. As legislatively intended parents are involved at every stage of the 766 process. And their involvement is mandatory in order for the process to run its course. If we examine this process more closely we will see that framers made parental involvement deliberate and purposeful. As we look at the 766 implementation procedure special note will be taken for future analysis of parents/child's rights and points where parents can force accountability on the part of special education providers. What follows is an outline of how 766 is supposed to function, in theory, on behalf of special needs children:

<u>Child's Need/Right</u>	<u>Actor</u>	<u>Responsibility</u>
I. Identification and Referral  -if a child appears to be unable to learn in a regular classroom setting, given that all efforts have been made to meet child's needs within context of services in regular education program, a referral for evaluation can be made	A number of persons can make such referrals -parent(s) -school official, including a teacher -judicial worker -social worker -family worker -person having custody of the child -child himself if 16 years and older	To refer child for an evaluation to determine if he or she has a disability requiring a special education program, in writing.

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Parents must receive written notification of such a referral within five days, containing specific information on the nature of the evaluation process including a description of the specific assessments of the child that will be conducted.

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<u>Child Need/Right</u>	<u>Actor</u>	<u>Responsibility</u>
II. Pre-Core Meeting	Parents	Parents of each child referred for an evaluation must have the opportunity to meet with the CET chairperson or designee, prior to the evaluation to discuss the referral, evaluation process, parents rights, or any other questions parents might have
<p>*Core Evaluation Team (CET) writes the educational plan of the child who has been evaluated. It's comprised of nurse, or social worker, a psychologist, a physician, a teacher, and a chairperson all of whom are certified.</p>		
III. Core Evaluation	School Officials	That appropriate persons are in place to do evaluation
-an evaluation must be done to the full extent necessary to determine the special needs of a child	CET	Decisions be based on the best interests of the child as to whether or not he/she will receive an intermediate core
	Parents	Parents can request that any professional outside school who has been working with their child be included in the CET ie family pediatrician
		Parent has the right to be involved in core related meetings about their child
-in light of child's special need there must be an educational plan developed suited specifically for that child	CET	CET educational plan must contain a statement of child's capabilities and limitations; the best way in which he/she can learn specific goals to be accomplished; method by which the success or failure of special needs program will be measured; and a detailed plan by which child can achieve such goals.

Child's Need/Right

Actor

Responsibility

III. Core Evaluation-  
continued

Parents

Parents can involve an advocate of their choice at "766" meetings

Before placing signature on forms parents should be able to answer for themselves, satisfactorily various questions about the ed plan and its appropriateness for their child

Parent can accept or reject findings of CET that child has no special need, or the educational plan that has been developed

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The Core evaluation process must be completed within thirty days of the referral

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IV. Implementation/  
Service

Teacher

In-class instruction of special needs child in accordance with child's educational plan

-once educational plan has been developed and approved in writing by parents all phases of that plan should be implemented without delay

School

provide special ed. program within context of 10 prototypes described in law

Community Institution

provide supportive services as required in child's ed plan

Liason  
(can be a teacher)

responsible for quarterly reports to be entered into child's record and to keep up-to-date information on child's progress

<u>Child's Need/Right</u>	<u>Actor</u>	<u>Responsibility</u>
IV. Implementation/ Service continued	Parents	on basis of quarterly reports or any other information parent can request child's ed plan be modified  monitor ed plans implementation in full
V. Review  -once educational plan has been implemented there must be periodic assessment of child's progress in order to determine the positive or negative impact the ed plan has one the educational development of child and to make modifications in the ed plan if necessary	CET (which originally evaluated child)  Parents	Must determine if the program has been successful. And if there is a problem the child must be re-evaluated, and the CET can re-examine the educational plan and make recommendations to improve it.  Should review and assess quarterly reports on their child's progress for modification if necessary

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#### Outline of Appeal Procedure

Should parent decide to reject the educational plan or a finding of no special needs proposed by the CET, that parent can file appropriate form sent by school and return it within thirty day period allotted for informal discussion. At this point:

- parent can appeal the educational plan or finding of no special needs to State Bureau of Special Education
- school committee will send a copy of parent rejection of CET's proposal to the Bureau's Regional Office Representative
- Bureau representative receives the notice of rejection and may request a meeting with parents to discuss and try to alleviate differences
- Representative, meanwhile, sends rejection on to Bureau central office

### Outline of Appeal Procedure

-Bureau sends parents notification of hearing location; their right to bring an advocate; their right to review all records; and their right to reject Bureau's decision and require placement in public school

Parent then has:

1. the right to reject Bureau's educational plan and request that their child be placed in regular education program
2. accept the educational plan
3. reject educational plan and appeal to State Advisory Committee (however no new evidence can be introduced at this time)

State Advisory Committee (SAC) makes its own tentative decision based on a review of evidence

Should the parents then think the SAC decision is not in the best interest of their child, parents can appeal to Massachusetts Superior Court whose decision is final.

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In order to ensure that the afore mentioned process is actually implemented for special needs children and their parents, Chapter 766 has articulated specific responsibilities for the various levels of state and local government agencies, administrators, and personnel. As pointed out earlier 766 is an educational policy that from a state level seeks to change the decision-making and behavior pattern of local providers to meet the special needs of a disabled child. The bureaucratic structure which this program must find its way through is outlined on the following page.

An Overview of Massachusetts'  
Educational System

Executive Office of Educational  
Affairs

Secretary of Education

Department of Education

Commissioner of Education

(6) Regional Offices  
of  
Education

Southeast-Cape

Greater Boston

Springfield

Worcester

North Andover

Pittsfield

Division of Special Education

Bureau of Child Advocacy  
Division of Special Ed.

City/Town  
School Committees

Local Local Local  
Schools Schools Schools

According to the 766 mandate the State Department of Education is primarily responsible for providing financial support and professional guidance to local schools, in order to help them meet their responsibilities set forth in the law. The Division of Special Education located within the Department of Education (DOE) must be accountable for several functions. Among them are: to prepare standard forms for official notices to parents; to investigate situations where parents fail or refuse to participate in those parts of the special education is required by law; to guidelines and directives to further define, clarify, interpret, and explain these regulations; finally, but most importantly, to recommend to the Board of Education that it withhold funds for special education programs from cities, towns, school districts, private schools or agencies which do not comply with regulations or statutes or do not carry out plans for compliance within a reasonable period of time.

The greatest burden for the actual implementation of 766 falls on the individual local communities throughout Massachusetts who are not only responsible for providing substantial financial resources, but have close to fifty specific duties articulated in the body of the law. Some of the functions to be carried out by local school systems are:

- to appoint an Administrator of Special Education
- to satisfy all the requirements of Chapter 766 for all children (of school-age) living within the city town or school district over which that school system has jurisdiction
- to be responsible for communication to parents and school age children, even where primary language of the home is other than English and/or parents are unable to read
- to make a continuous and systematic effort to identify potential cases of school age children with special needs
- to submit a plan May 1 of each year, describing the manner in which it will conduct its evaluation during the 12 month period

- to insure that the following categories of children are referred for a determination of whether a referral for an evaluation should be made:
  - a child at substantial risk of non-promotion at mid-year
  - a child who fails to be promoted at years end
  - a child who has been suspended for more than 5 schools days or permanently excluded
  - a child who has been absent without a medical excuse for more than 15 days
  - a child who has been committed to referred to or detained by Department of Youth Services
  - a child who exhibits a substantial negative change in alertness, learning or behavioral capacity after an illness
  
- to hire a group of professional persons including a chairperson to comprise the CET which is to conduct evaluations of special needs children and to develop educational plans for them

The Administrator of Special Education is primarily responsible for the general supervision of identification, referral, evaluation, and program planning for all school age children with special needs under his jurisdiction. The Administrator's other significant functions relate to the activities of the CET, where he assists CET's in finding best combinations of educational and other services for each special needs child, as well as assisting them in any other duties they might have.

Because of the teacher's day-to-day relationship with students, his/her responsibility not only includes identification of children with special needs, but to recommend a child for an evaluation in order to determine the extent of his/her problems. The teacher is an active participant in the Core Evaluation Team, and can be the principal developer of a child's educational plan. Ultimately the teacher is responsible for in-class instruction of the special needs child, in compliance with the child's educational plan.

Within the design of Chapter 766 there is a point where parents of special needs children and special education providers come together. It is the overall purpose of the Regional Advisory Council, or RAC, to access parents to the

decision-making process and to give special education administrators feedback on the effectiveness of 766 implementation on behalf of consumers in local communities. The specific purpose of each of the six RAC's is to receive complaints and suggestions regarding special education in their region and submit a report to the State Advisory Council (SAC) by April 1st of each year. This reports includes:

- specific assessment of qualitative and quantitative adequacy of all aspects of provision of special education within the region
- a statement of recommended changes in any aspect of provision of special education and detailed description of process by which such changes be accomplished
- a detailed summary of complaints and suggestions received during the year, emphasizing where a discernible pattern of complaints or suggestions are found

The RAC is to hold periodic meetings to hear complaints and suggestions about implementation of special education in the region. The RAC is comprised of the following people:

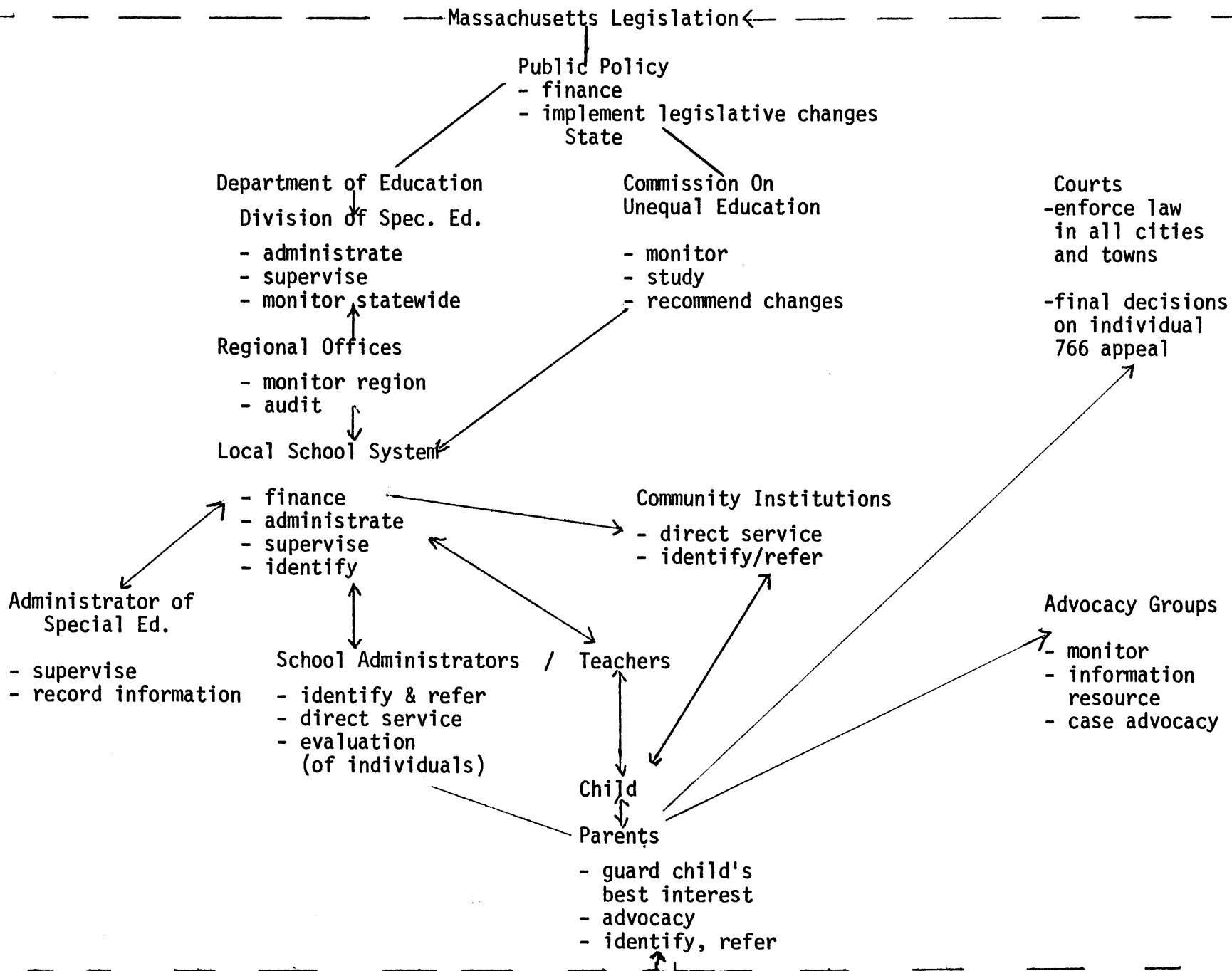
- a parent with a pre-school child with a substantial disability
- one parent of a child in prototypes 502.1 (regular education program with modifications) to prototype 502.4 (substantially separate program) (total of six parents)
- a parent with a child in prototype 502.5 (day school program) or 502.6 (residential school program)
- public school teacher teaching children in regular education program
- public school teacher teaching in a special education program
- public school administrator in either regular or special education
- a representative from Department of Education
- an approved vocational technical administrator or teacher
- a professional from an institution of higher education who prepares persons for professional employment in education
- another person who has demonstrated commitment to school age children with special needs

- a member of local Council for Children
- a designee ex-officio from the Commissioners of the Departments of Mental and Public Health, Public Welfare, Youth Services and Office for Children

The SAC has two specific duties. First, consolidating information gained from RAC reports, the SAC will devise a specific statement of recommended changes in any aspect of the provision of special education in the Commonwealth, with a detailed description of the process by which such changes should be accomplished. The Department of Education will then implement these changes or state in a written reply to the SAC why such recommendations cannot or should not be implemented. Second the SAC is responsible for deciding individual parent appeals regarding inequities in the 766 process. The SAC is comprised of two representatives from the RAC's one of whom must be parent of a special needs child, and representatives, ex officio, from the Departments of Mental Health, Public Health, Public Welfare, Youth Services and the Office for Children.

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If we look at the various agencies, administrators, officials, and personnel, and then delineate their responsibilities, on both the state and local levels a picture begins to take form. What follows is a schematic representation of how Chapter 766 intends for the total educational system in Massachusetts to be accountable in meeting the specific needs and rights of the disabled child and his parents.



Footnotes

1. Browder, Lesley, Emerging Patterns of Administrative Accountability  
p. 361.
2. Ibid p. 62.
3. Chapter 766 of the Acts of 1972, The Commonwealth of Massachusetts.

Current Dialogue on 766 Implementation in Massachusetts

Since its implementation Chapter 766 has made both positive and negative achievements. Given the magnitude of the original problem and the complexity of the program, state and local education departments have received positive feedback, for the most part. And several reports have emanated assessing the efforts of those engaged in the laws implementation. Most important of these is the Second Interim Report of the Special Commission studying the effectiveness of Chapter 766. The report said that approximately 26,000 children in the Commonwealth were identified as handicapped and were receiving special services before. Now 766,147,000 young people are being services. Also according to this July 1977 report "a majority of parents, teachers, students, and administrators surveyed were highly supportive of Chapter 766."<sup>4</sup>

However, the same study was also able to uncover several problem areas such as: the need to set up a mechanism allowing school systems to be licensed providers in order that they receive more state and federal entitlements; the need to determine how federal entitlements can be obtained without violating privacy rights; and the need to clarify problems among various state agencies in order to eliminate gaps and duplication of services. The Commission report was indeed extensive. It not only provided insight into how local communities are presently confronting implementation problems, but also posed recommendations for their resolution:

Although the Commission study highlighted numerous areas where 766 is lacking, their subsequent third report/legislation and present research suggest their efforts are concentrated on the economic problems hindering the effectiveness of 766 programs in cities and towns. The lack of financial resources has been one of the major "thorns" in special education programming

from the perspective of school and city officials, as well as administrators. And it has frequently been cited as being the main reason for lack of programs, services, qualified personnel and teachers, denial of medical tests for core evaluations, etc ...

The third legislative piece of the Commission's came out in March of this year. Their study showed that Chapter 70 had failed to realize its legislative intent to promote the equalization of educational opportunity through equal financial aid to communities throughout the state. The reason is clear, as some communities could spend almost four times as much on students as some others. Because school financing is directly dependent on local property wealth. The wealthier a town is in property the better able that town will be to pass on such advantages to its students. Where just the opposite is true for a community poor in taxable property wealth. Compounding this, systematic state funding of special, bilingual, and vocational education programs does not take into consideration local ability to pay. Rather, all these programs except vocational education come "off the top" of the same pot of money appropriated for Chapter 70. And, given the system of prioritized funding, funds for regular education programming were distributed last, thus making programs such as special education the target of local resentments.

The Special Commission bills seeks to combine the four current aid formulas (special, bilingual, Chapter 70 or regular, and vocational education) into one aid formula, using a "weighted pupil concept" to account for numbers and cost differences of students. The following is an outline of that formula:

- "1. (School Aid Percentage) Times
2. (Statewide average current expenditure per pupil the previous fiscal year) Times
3. (Total weighted full-time equivalent pupils in the district)"<sup>5</sup>

Recent discussions with staff members of the Commission revealed that on April 26 of this year another piece of legislation was filed that would influence the financial picture of school financing of 766 programs. The Commission's legislation would require third party payment for medical expenses of special needs children covered by private and insurance, with Medicaid being the payee of last resort in cases where children were not so covered. This was done because Massachusetts insurance companies, according to Commission sources, have not assumed their responsibilities--using as an excuse that such services should be paid by local school committees. As a result many children have been hindered in either receiving a complete and accurate evaluation of the magnitude of their special needs or have received limited or no services because of a lack of funds.

Another approach toward assessing the implementation of 766 was initiated by Richard Weatherly and Michael Lipsky in their 1977 paper entitled Street Level Bureaucrats and Institutional Innovation ... Their focus was on the implementation of 766 and how it was effecting education personnel, who they refer to as street level bureaucrats.

In their studies of three school systems with total enrollment of 27,000 children, they found that with the passing of this new legislation special education personnel experienced pressures from a variety of outside sources (including school committees and parents) to accomplish an enormous task in a short period of time without any real guarantees that they would have any more resources at their disposal than before 766. And that meant coping with new job requirements (especially for the regular teacher whose training did not prepare him/her for teaching disabled children she/he was mandated by law to do so) in ways "which would permit an acceptable solution to what theoretically appeared to be impossible demands."<sup>6</sup>

"That the systems we studied" says Lipsky and Weatherly succeeded in processing hundreds of children while maintaining the levels of service they did provide is a tribute to the dedication of school personnel, and the coercive, if diffuse, effects of the law."<sup>7</sup>

From their investigations, however, Lipsky and Weatherly found that school systems and individual schools varied in the policies they devised by balancing between the new demands and resources available. And at the individual level, special education personnel also varied in their responses. Among the many ways they coped with the demands made on them, Lipsky and Weatherly cited a number of patterns seen. Among them were that special education personnel:

- rationed the number of assessments performed
- rationed services by reducing hours of assignments to specialists and by diluting individual treatment in favor of group treatment and instruction by students-in-training
- short-circuited bureaucratic requirements in completing forms (some designed to protect the interests of parents)
- minimized potentially time-consuming problems of client compliance through prior agreements on recommendations and by gaining deference through the manipulation of the symbols of professional authority
- sought to secure their work environment: individually, by referring (dumping) students who posed greatest threat to classroom control or by recruiting children with whom they were trained to work; collectively, by seeking contractual agreements that the workload burden of the new law would not increase the amount of their overall responsibilities.<sup>8</sup>

Writers did not feel these responses were unique to special education personnel, but rather are typical of coping behaviors of those who deliver policy to the public in jobs which call upon them to exercise discretion in the decision-making process dealing with the public. It was their contention that "Chapter 766 placed additional burdens of discretionary judgement on roles which were already highly discretionary." Given the range of possible

solutions to the demand/resource dilemma faced by Massachusetts educators, the solution derived by any single school system was not predictable... But although the patterns of response varied to some extent, there was a constant need to routinize, ration resources, control uncertainties, and define the tasks to derive satisfactory solutions to new demands."<sup>9</sup>

However for the parent of a special needs child the question still remains: "How do I as a parent obtain the educational services necessary for my individual child?" This is of particular concern given the fact that financial resources for program implementation are strained and that personnel may or may not be responsive depending on their individual interest.

Footnotes

4. Second Interim Report Special Commission on Unequal Education Opportunity, Commonwealth of Massachusetts, 1977
5. Third Interim Report of the Special Commission on Unequal Education Opportunity, Commonwealth of Massachusetts, 1978
6. Lipsky, Michael and Weatherly, Richard  
Street Level Bureaucrats and Innovation ...  
p. 68
7. Ibid p. 68
8. Ibid pp. 68-69.
9. Ibid p. 70.

### Statement On Case Study Methodology

In order to understand the extent to which parents can force provider accountability, given the 766 legal mandate, I have elected to document the experience of a group of parents in the town of Chicopee, located in the western part of Massachusetts. The parents call themselves the Chicopee Parents Advisory Council (CPAC), and their group efforts as advocates for special needs children in their area have been on-going for almost three years. Gathering information from and about parents' experience required interviews with not only parents themselves, but other key actors who have played a role in special education in Chicopee. In the documentation of this evidence I was careful to note where and when the system, as theorized, breaks down and what resultant strategies CPAC used to affect change.

I reviewed appropriate literature for the development of the case including a collection of two and a half years worth of media reports on Chicopee school affairs; audits of Chicopee school system done by Regional Office of the Department of Education; and finally lawsuits claiming Chicopee's non-compliance with the 766 law filed by both CPAC and the Attorney General of Massachusetts.

### Case Study: Chicopee Parents Advisory Council

Chicopee, a small town in western Massachusetts like all communities in the state was responsible for complying with Chapter 766, and the implementation of special education programs for its public school children. However, for individual Chicopee parents the manner in which the school system met their responsibilities was far from sufficient for the specific needs of their disabled children.

Carolyn was eight years old when her parents learned of the nerve damage at birth that had caused her irreparable injury to both her vision and hearing. True, she had passed all the Chicopee public school hearing and vision tests up to that time, but still she wasn't able to perform at her present grade level. Rounds of doctors and tests revealed her problems and offered remedies to aid the child's development - the wearing of both eyeglasses and a hearing aid. Not having fully come to grips with the guilt many parents of disabled children have, Mrs. Wojick was still very determined that Carolyn's future would be a brighter one. So she sought to go about getting the special help in school she knew Carolyn had to have in order to secure her future as functioning adult in today's society.

It was one of Carolyn's teachers who first introduced Mrs. Wojick to Chapter 766 law, and the programs and services children with learning problems were entitled to. Eager to help her child she read through all the available literature on the law and was able to attend a series of 766 workshops given by the Western Massachusetts Association for Children with Learning Disabilities.

Carolyn and her mother's actual attempt to get 766 services in Chicopee traced the following steps:

- Mrs. Wojick had no pre-core meeting with CET chairperson or designee in September 1975
- The Core process was delayed three months because Mrs. Wojick exercised her right to have a second medical opinion performed
- Mrs. Wojick hired an attorney
- It took another month before the various reports/evaluations done on Carolyn came from the State Department of Education office in Boston
- Core meeting was set up within the week, and Mrs. Wojick's lawyer went with her as a case advocate

- At this time she asked for copies of her child's educational plan, test reports and other evaluations made, before she would agree to sign forms
- Another thirty days went by before Mrs. Wojick received this information
- Mrs. Wojick could not accept the educational plan as written because it proposed that Carolyn be placed in a self-contained classroom (there was no other special needs program in Chicopee at the time) Carolyn's problems were of the nature where she would need out of the regular classroom teaching for a period of time, but not of the extent proposed in ed plan. The Wojick's were requesting a resource room with a teacher's aide setting. Neither of which was available to special needs children in Chicopee. Parents rejected ed plan.
- The CET wrote up another educational plan which proposed the same program and services for Carolyn as had been in previous plan.
- Again parents rejected plan, and started appeal procedures to State Advisory Committee
- Thirty more days went by
- On May 10, 1976, the day before SAC hearing, Mrs. Wojick received a phone call from local school officials saying that there were able to provide Carolyn with an educational plan that included parent's request for programs, resource room and teacher.

This outline barely illuminates the tremendous advocacy campaign Carolyn's mother had to wage in order to get these services, even though she was entitled to them through the 766 legal mandate.

It was very early when Mrs. Wojick became frustrated in her attempts to obtain services for her child and she realized (with the help of her attorney) that she would gain little success on her own and that she would need the clout of other Chicopee parents in order to acquire such services as a resource room. So, on September 23, 1975, Mrs. Wojick decided to put a notice in her local newspaper inviting parents with similar negative experiences with 766 programs and services in Chicopee to meet in her home. At that time, she figured that other parents in the town must have been experiencing similar obstacles and frustrations, considering the degree of difficulty she was having. She had little idea of what exactly would come

of this action, but she felt it was worth a try.

So, despite threats she received from Superintendent Luke, that no teachers in Chicopee would be willing to teach her children if "she made trouble", Mrs. Wojick met with five parents who responded to the newspaper notice. They discussed their individual experiences and questioned what it was their tax dollars were being spent on, if in fact their special needs children were not receiving an equal educational opportunity.

This period marked the beginnings of a formally organized advocacy group to be called the Chicopee Parents Advisory Council (CPAC). This also served to move parents from dealing with 766 in Chicopee from their individual case specific perspectives toward concentrating their efforts at a systematic approach for resolving their problems. In the months between January and April 1976, the CPAC would direct its energies towards increasing the size of its action group, doing its "homework" on the law and relevant issues, formulating goals and strategies for meeting those objectives.

Regarding their efforts to garner parent involvement and interest in the community, Mrs. Tetrault, one of the parents, recalls that in February of '76 ..We wrote a letter to the local paper asking some questions about special education (in Chicopee). The letters were published at intervals, so that the interest would be there. When people started to call, Marge (Mrs. Wojick) took names, telephone numbers and addresses, and said that she could get enough interested parents she would be willing to hold a meeting in her home within the following month. The questions that appeared in the newspaper were:

1. Why is it taking so long for referrals to be made?
2. Why aren't there enough programs in our schools?
3. If we are spending so much money on special education, where is all the money going?
4. Why aren't there any resource rooms for those children that need 60% time spent outside the classroom?

CPAC not only received responses from concerned parents but from teachers and school personnel who felt impotent in their efforts to implement change within the Chicopee school system. Every parent that contacted CPAC had their individual case of non-compliance examples. Thus out of a feeling of being overwhelmed CPAC decided to take advantage of the resource of community institutions to help them in their efforts to set priorities. The group contacted the Western Massachusetts Association for Children with Learning Disabilities who offered information on specific points of the law and to put them in touch with an advocacy training program with the Federation of Children with Special Needs.

Eventually CPAC became organized around 10 core persons of those 5 parents hold positons of chairperson, vice-chairperson, recording secretary, correspondence secretary and treasurer. Once leadership was established it took CPAC two months to document specific instances of non-compliance, with Chapter 766 in Chicopee schools. While at the same time establishing that the overall goal of CPAC was, and still is, to obtain the delivery of service to special needs children in Chicopee and actual compliance with program development for individual children, as specified in Chapter 766 mandate.

From parent group members personal experience and investigation they were able to document the following services to be lacking in Chcopee, in the early part of 1976:

- no speech therapist
- no vocational training program
- no self-contained classrooms were available
- no pre-kindergarten program
- no resource room
- core evaluations were incomplete
- school facilities were inappropriate for special needs children
- individual education plans were incomplete
- transportation services were problematic

One of CPAC's initial strategies was to put together a 10-point letter citing instances where Chicopee school system was in non-compliance with Chapter 766 among them were issues dealing with: parents rights, process of core evaluations, unqualified personnel, lack of programs, unacceptable education plans, and an illegal review board created by the school committee that would review and usually overrule CET recommendations, particularly when such recommendations involved programs or services for a child that would be costly.

Once CPAC leaders were in place and documentation of the non-compliance issues was complete CPAC took the following steps to force action on their complaints, again in Mrs. Tetrault's words:

Step 1. CPAC talked with the Special Education Director

Response: "Got nowhere"

Step 2. CPAC talked to Superintendent of Chicopee Schools

Response: "Got threatened"

Step 3. CPAC asked to talk with Chicopee School Committee

Response: "They refused"

Step 4. CPAC went to Springfield Regional Office to talk with 766 Project Director, gave him documentation on non-compliance in Chicopee and told him they had more evidence

Response: "Got nowhere"

On April 7, 1976 CPAC presented their 10-point letter in a meeting to the Springfield Regional Advisory Council (RAC). The letter itself was addressed to the chairperson, charging Chicopee School Committee with non-compliance with Chapter 766. Again parents explained that they had documentation to back their charges and that they would be willing to testify if necessary. The thrust of this move was to demand that the RAC investigate Chicopee, as it is the RAC's responsibility to do so.

At this time the RAC instructed Paul Caouette, 766 Project Director to take action and investigate the non-compliance issue. They also decided to appoint a committee of RAC members to also investigate parent allegations. The RAC audit was to take place in May.

In the interim CPAC canvassed for a city-wide meeting to bring both parents and special education administrators together. This effort produced a "fair turn out" of parents along with Paul Caouette, and representatives from the Regional Office, the Western Massachusetts Association of Children with Learning Disabilities and the local council of the Office For Children. The gains made from this talk were few but it was quite beneficial in drawing attention to CPAC issues and it did serve to add to the ranks of the parent group's membership.

On May 11, 1976 the RAC audit team actually went into Chicopee schools to investigate. However, they did announce to the School Committee ahead of time when they were coming. Despite their warning RAC findings supported the allegations of the Chicopee parents. Parts of RAC investigation were incomplete because of the resistance on the part of Chicopee School Committee to supply information. Nonetheless, RAC along with CPAC members brought results of their investigation before Chicopee School Committee to be reckoned with. School committee members admitted they were in non-compliance with Chapter 766, but could do nothing to change the situation due to their lack of funding, staffing and qualified personnel. At this point in time the School Committee was reported to be facing a \$1.2 million deficit. The RAC made a recommendation that the Special Director in the Department of Education take action against Chicopee, including the withholding of state funds if necessary.

From a July 12th special meeting at Regional Office with parents and RAC representatives two significant actions were undertaken: 1) an immediate investigation was to take place by Paul Caouette in all areas of CPAC 10-point

letter and that 2) because RAC found Chicopee to be in non-compliance on those 10-points that Chicopee should be cited for those violations. Four days later the Regional Office issued a citation against Chicopee on 33 cases where special needs children services were not being provided, as required in their educational plan, because the School Committee had refused to fund them. However, these citations proved to be the extent of departmental action on the Chicopee issue. No meaningful action was taken on the part of the Regional Office and parents were beginning to feel defeated.

After following the RAC around for the three summer months CPAC parents disappointment turned to outrage as Chicopee continued to ignore its 766 responsibility. Realizing the RAC, though sympathetic, was impotent CPAC made several attempts to contact the Commissioner of Education Robert Audette, by phone and several letters. However, they never received any response from him and so CPAC decided to take time to martial new forces and new strategies for dealing with their problems.

Around the 17th of September the CPAC joined the Western Mass. Association for Children with Learning Disabilities, and the Holyoke-Chicopee Area Council for Children, as a coalition around the 33 cases cited to be in non-compliance. This group put together a packet of information which included, news clippings, regarding school committee inaction, and documentation of their non-compliance. They sent this packet to the following people:

- The Commissioner of Education
- The Executive Deputy Commissioner of Education
- The Associate Commissioner of Education
- The Regional Office
- The Board of Education
- The Springfield RAC
- The Attorney General's Office

The Coalition also asked that state funds be withheld from Chicopee until action on the following points was completed:

1. A committee from the Department of Education along with representatives from the Coalition to insure that issues in their 10-point letter be addressed and not allowed to reoccur
2. The immediate provision of programs for the 33 children that Department of Education had the School Committee to illegally refuse them program funding
3. An audit be done on the past five years of the school budget, including state and federal reimbursements to determine just how money was being spent

In the meantime Special Education Director Caouette was making his own demands of the Chicopee School Committee. He told the Committee that the citation would be lifted if they approved and carried out the recommendations made on the "33" cases. Otherwise he would have no choice but to ask the state to withhold its November 20th reimbursement check of \$829,000 until his five points were resolved (not very different from COalition demands):

1. Immediate provision of services for "33" cases
2. Establishment of a committee to ensure time frames are met
3. Immediate audit by regional office
4. In depth training of all school personnel on 766
5. Agreement that education department and School Committee work closely with a parent advisory council, meeting monthly for the purpose of monitoring 766

September 24th came and the parent's coalition continued to push for state to take legal action against Chicopee if they did not come into compliance. That same evening the School Committee finally approved funding for the 33 special education cases and voted to establish a line of communication with the mayor and board of aldermen. In real terms, however, this seeming

concession only meant the sending of lists of expenditures and minutes of school committee action on special education issues. It should also be mentioned that the school committee had tabled the decision concerning these children four times in five weeks of committee meetings before making their final approval.

At this point, parents within CPAC did not feel that School Committee concessions were sufficient in resolving the major questions of quality programming and service delivery. Therefore, between September 1976 and November 1976 CPAC members deliberated on whether or not to take legal action, as parents, against the Chicopee School System. They had several meetings with attorney Donald Graham about the short and long run ramifications of legal action, such as long length of time, possibility of harassment, possibility of still having to wait for services for their children. The only one concern CPAC didn't have to worry about was the cost, because this lawyer only charged a nominal fee. From here on, CPAC separated itself from the Coalition, and carried out their strategies independent of other action group's interests.

After several months of deliberation/discussion, and in light of the continued lack of services and programs for special needs children in the Chicopee school system, CPAC in the name of their now 60 member parent group filed a lawsuit formally charging the Chicopee School Committee with non-compliance regarding the implementation of Chapter 766. In actuality there were two suits joined in the formal complaint. The first was a class action suit that complains about abridgement of child and parent rights as well as a range of programmatic, service and procedural violations. The second was a ten-taxpayer's suit covering budgetary expenditures and a lack of financial support of the 766 program. (It seems that the city had undercut the budget so drastically that there was no money left to fund the special education program.

One example, is how the Special Education Director requested \$217,000 for private-unit or residential programs was given \$69,000. When it was clear for those working in the program that the \$217,000 probably wouldn't have been enough.) The lawsuit was perceived by CPAC parents to be the ultimate yet unavoidable strategy that their group was willing to risk in order to force Chicopee to provide services for their children. They felt they had no other alternative.

CPAC continued its battle outside the court as well. In an effort to have the state investigate the school system CPAC was able to force the Regional Office's upcoming audit to be done six months earlier. The Regional Office did an audit in December and in their January 1977 report cited 19 areas of non-compliance. Because Chicopee officials and administrators response to the Regional Office's finding was late and insufficient the Department of Education decided to institute a lawsuit against Chicopee for being in non-compliance with Chapter 766. The Department says that parent complaints in the spring were also instrumental in their decision to sue.

In February 1977, the Attorney General's office, representing the interests of the state and the Department of Education filed its lawsuit against the town of Chicopee for being in non-compliance with Chapter 766. And by doing so they became co-plaintiffs with CPAC. However, it is worth noting here that CPAC parents contend that it would have been publicly embarrassing for state officials and administrators to continue to ignore the situation of Chicopee's blatant denial of its 766 responsibilities.

Problems continued within the town of Chicopee. Nine young people were sent home from the Osborne Day School, because the School Committee refused to pay their tuition. The Osborne School offered day programs for special needs children whose educational plan could not be fulfilled within a regular

classroom setting. CPAC requested a court restraining order that would prevent the School Committee denying sufficient funds for the 766 services required in these children's placement. The parents wanted the Hampden County Superior Court "to stop the city from having kids thrown out of school". As a result of their actions, during the week of March 7, 1977, the School Committee transferred \$73,000 to special education tuition account in order to cover Osborne payments. (However, the recently appointed Special Education Director, Ralph Hicks, was quick to add that this money would only cover outstanding bills with Osborne and that additional funds would be needed in 30 days to finance obligations for the remaining school fiscal year.)

Superintendent Luke's ability to function in his position came under fire from another source outside the CPAC. The Chicopee Taxpayers Association (CTA) issued a written statement March 14, 1977 supporting a motion to allow immediate advertising for a replacement for a superintendent when Luke's contract expired in July. They also favored a screening body of parents, community members and school officials to do the hiring. Lastly they threatened that school committee members elected positions would be at stake around this issue, come fall elections. The School Committee inturn responded by voting 6-5 not to post the advertisement for Luke's position. And finally on March 31, the Committee, despite community opposition and the bitter battled waged by Mayor Redfern, voted to rehire Luke to his position of Superintendent of Chicopee Schools.

In the spring of 1977 both CPAC lawyer and the Attorney General's office went through a process of discovery. Parents' attorney Graham's approach was to submit written questions to be answered by the School Committee; to document case histories of parents in the community specifying their problems with 766; and finally to detail summaries pointing to specific issues of non-compliance.

Attorney Graham stated that undertaking a class action suit is tedious case to prove for a lawyer working along. Because issue is so broad documenting evidence is very difficult. However, the goal to force Chicopee to provide programs and services to special needs students was the thrust of their legal efforts.

The goal of the Attorney General's office is to get the town of Chicopee either through the courts or outside the courts to agree to comply with 766 in both general and specific ways. Alan Posner, attorney for the case, says that legally the case was simple. And the process he followed was to take depositions, or testimony, from approximately ten persons, including the former special education director, the superintendent of schools, and informal meetings with school personnel. On the basis of this testimony 207 admissions of liability were recorded in these informal examinations.

Because of the monumental collection of evidence by both the Attorney General's office and CPAC attorney the court issued a summary judgment in June 1977 that Chicopee was indeed in non-compliance with Chapter 766 of the Acts of 1972. From that time until now both lawyers, for the parents and for the state have been in the process of trying to reach a settlement through the development of a consent decree. (There was no conceivable way for the Chicopee School System to build a defense against the plaintiffs' evidence.)

In simplest of terms a consent decree tells a school system to do what the law says it's supposed to, and then details an agreement as to how that school system should go about coming into compliance. Therefore, if a school system does not meet those agreements within the specified time they can be found to be in contempt of court. And in this instance the real power of the court to enforce the 766 order lies in its power to hold Chicopee-its administrators and public officials-in contempt of court, subject to fines or imprisonment.

The actual formulation of a consent decree is a negotiated process, and although the Attorney General's suit and the CPAC suit were joined early on in order to expedite resolution of the problem; they were technically two separate suits, and therefore would reach separate agreements for the consent decree. Both groups though co-plaintiffs perceived themselves as having different interests at stake and resultantly would be working toward different conclusions. Although the Attorney General's Office and the State Department of Education's Office promised to work with parents on the resolution of the issues, their contact has been minimal.

The type of settlement the Attorney General is trying to reach is based on a consent decree that says parties have entered into a contractual agreement whereby the Chicopee School Committee will agree to come into compliance under the 766 law meeting specific criteria in a specific timetable. In addition to immediate provision of services and rights denied Chicopee special needs children and their parents, the Attorney General's Office is very concerned with the monitoring technique used to bring on compliance. Therefore, they are asking the School Committee to file regular monthly reports documenting educational plans, core evaluations, and the status of other procedural information to the Regional Office for inspection.

The parent's group on the other hand has been primarily concerned with monitoring compliance. Therefore, they are pushing towards the creation of an independent monitoring committee separate yet pursuant to the consent decree to perform three functions:

1. To investigate complaints of non-compliance (individual cases)
2. To determine instances of non-compliance (refers to problems occurring with frequency)
3. To recommend remedial action to the court system.

The Monitoring Committee would be comprised of:

- 1 Parent
- 1 Administrator-specifically the Special Education Director
- 1 Other person the aforementioned parties would select to be used in instances where agreements could not be reached between the two

Although the consent decree has been settled as far as the Attorney General's Office is concerned, there are still outstanding questions for the parents group. For example: What power does the parent on the Monitoring Committee have to investigate complaints? Can he or she make (what parents feel are necessary) on-site unannounced visits to do so?

Another positive step is that all 766 notices sent to parents will include a list of the Monitoring Committee members, how parents can make contact with them, and that any information they give will be confidential. Teachers and school personnel will be encouraged to make use of the Monitoring Committee also.

Technically while the court case is in progress little is done on behalf of individual special needs children, usually because problems are so widespread and systematic. It is true though that in instances where specific cases can be documented as being in non-compliance a court ordered injunction can be instituted to rectify the situation. However, CPAC parents have not curtailed their advocacy efforts in Chicopee, with the exception of limiting their media campaign until the court proceedings have ended.

CPAC now has 60 members and offers to special needs children and their parents general 766 information, referrals and assistance if needed. For example, individual CPAC members function as case advocates for parents in core evaluation proceedings. Some have averaged 18-20 cases in the past academic year. Even though CPAC is still operating out of parents homes, primarily

Mrs. Wojick's, the parent's group has devised a number of welldefined techniques for parents to deal with the 766 process. Such as:

- helping parents set up record keeping system on their individual child so that they can monitor that child's progress for themselves over a period of time
- parents are also cautioned to file every educational plan, medical record, psychological evaluation, school notification...on their child
- tape recording and transcribing all important conversations with special education administrators and officials in order to document their response

One of the indirect effects of CPAC instituting a lawsuit was that Chicopee hired a new Special Education Director, Ralph Hicks, to replace an interim director who had admitted he wasn't qualified for the position. Working with the new Director has improved parent rapport with the Chicopee School System and facilitated the expansion of programs and services to special needs children in that town. As of June 1977, 12% of the 4,000 children in Chicopee schools, some 900, are receiving special education services, as mandated under Chapter 766. And 766 services and programs now include: a pre-kindergarten program; resource rooms in most every school; more teacher's aides have been added to the staff; core evaluations are more complete; and school teachers and administrators have been more cooperative and as a result more referrals have been made for special needs children. CPAC is now faced with trying to determine how to assess the quality of these programs now that quantity is no longer the issue.

CPAC works relatively little with the Springfield RAC as they are viewed to be powerless. And their relationship with the Regional Office, can at best be described as strained. Parents feel they get no cooperation from that office. If they call in for answers to specific questions they are either told that there is no one in the special education section that can help them or

that they must submit their questions in writing. And even when they do submit letters they either are unanswered or "lost".

CPAC also has very little confidence in the Regional Office's ability to monitor the Chicopee School Committee's compliance with the consent decree. This is because the Regional Office has yet to do on-site follow-up for the audit they did in December 1976 and re-did in September 1977, where in both instances non-compliance was found and specified recommendations with specific timetables were posed for resolution of the problems. Parents report that violations in the areas of transportation, progress reports and quarterly reviews remain outstanding.

Other parents in Chicopee have become increasingly supportive of CPAC efforts, even though, they do not have special needs children of their own. However, parents of disabled children themselves vacillate between feeling a sense of accomplishment and an overwhelming frustration of "beating their heads up against a brick wall". CPAC members still receive calls from parents whose children are being shuttled back and forth from program to service, because that parent didn't know his/her rights or how to effectively advocate for them. Parents are still unable to fully comprehend the Department of Education's literature on 766, even though they have recently been revised.

CPAC work, thus far, has revealed that it is much easier to obtain services for the child whose disability is highly visible, for example, the child who has cerebral palsy or is confined to a wheel chair. It is the parent with the learning disabled child who has the greatest problem. Unless properly diagnosed and evaluated their problem such as vision and hearing impairments, remains hidden. And Mrs. Wojick finds that many times parents of these children won't refer them to 766 evaluation and programming because they perceive this law to be primarily for physically handicapped children and don't want their children stigmatized accordingly.

CPAC has yet to reach a number of parents of special needs children in Chicopee. Some parents still don't know CPAC exists. Others are afraid of getting involved with the parents group because they feel school officials and personnel will retaliate against their children because of their activities. Nonetheless, in addition to strengthening parent advocacy efforts for special needs children in Chicopee, the CPAC is now trying to join forces with Parent Advisory Councils in surrounding western Massachusetts communities.

#### Other Instances of Accountability Problems in 766 Implementation

Chicopee parents are not alone in their struggles to obtain rights and services for their special needs children, as outlined in Chapter 766. What follows are examples of problems other parents, parent groups, and child advocates have experienced in this state. Problems and the resultant strategies they have undertaken when special education providers have failed to be responsive in meeting the educational needs of disabled children.

#### I The Boston Case

In the case of Allen v. McDonough six Boston school age children and their parents filed suit charging the Boston School Committee and Superintendent of Schools as being in non-compliance with Chapter 766, of Massachusetts Special Education Laws. This complaint states that the plaintiffs, like others of the class they represented were being denied special education services required to be provided under Chapter 766 and the regulations implementing that Act. The original complaint was filed on June 10, 1976.

According to a report prepared by Thomas Mela plaintiff's attorney for this case, the Massachusetts Supreme Court after ruling in favor of the plaintiff moved to develop a consent decree on June 23rd. At that time the Department of Education and Boston's Teacher's Union entered motions to intervene. The date

of June 10th marked the beginning of a series of negotiations to determine how the Boston School Committee would comply with the Chapter 766 mandate. A supplemental consent decree was submitted on September 14, 1976.

On November 24, 1976 the Court tried to further expedite the situation by ordering the placement of children into programs for their particular needs, within 7 to 15 days, depending on the "prototype" in which the child had been classified. However this action was not meant to preclude the evaluation process that is required before such a placement.

Despite implementing orders by the court, on three occasions plaintiffs cited the Boston School committee as being in contempt of the court ordered consent decree. The reasons were: failing to meet the deadlines for educational plans, review of those plans, and placements. On October 27, 1976, for example, plaintiffs filed a motion for contempt, which was argued but the Court decided not to take action. Instead the Court decided to continue meetings with all parties to secure compliance. Another motion of contempt was filed by defendants on February 15, 1977, and the result was that the Court issued citations against Boston on February 28th. To support that complaint Attorney Mela submitted the following information to describe the situation in Boston for special needs children as of January 1, 1977:

- 239 children referred for core evaluations since September 1976 have been waiting more than 30 school days for an educational plan
- 421 children have not received required review
- 166 children have been waiting more than seven days for prescribed special education auxiliary services
- 128 children recommended for prototypes 502.4 to 502.6 had not been referred to an assignment unit within 10 days or to the Associated Director for Contracted Services within 15 days

- the statistics above do not include children within the responsibility of four Boston Public School (4,000 children) and it is probable that additional children were not receiving their court ordered entitlements<sup>10</sup>

The Superior Court Justice in his discussion of his decision regarding this case said:

"...Chapter 766 demands that special educational services be furnished within fixed time limits (however) ... an observer cannot help but wonder whether machine-like precision is necessarily consistent with sound educational policy, fiscal responsibility and the best interests of the children entitled to those services, yet it is the duty of the Court to accept a legislation as enacted...

This proceeding raises significant questions as to the appropriate role of the Court in making affirmative orders concerning the carrying out of remedial legislation. It is unlikely that the legislature contemplated that the Court should assume the role of the department of education in supervising the administration of Chapter 766.

A finding of civil contempt may imply defiance or obstructionism notwithstanding good faith efforts on the part of the alleged contemptors. Such an implication is wholly unwarranted here. The administration of the Boston School Committee has made good faith efforts to comply with 766 ... However, this does not in and of itself constitute a defense of civil contempt.

..Because this is a remedial proceeding there should be money paid to compensate the plaintiffs in part for services they provided in trying to obtain compliance in Boston School System ... In the right light of hindsight, much of the cause of failure can be seen as honest mistakes of judgment and only a little of it due to inefficiency and inadequate planning or staffing. The prospects are excellent for elimination of the relatively small problem areas remain."<sup>11</sup>

A finding of civil contempt on the part of the defendants had been established and the Court made a judgment in favor of the plaintiffs. The court subsequently ordered the Boston School Committee and Superintendent of Schools pay a fine of \$15/day to each child who on or after March 1, 1977 has been or may be denied an educational plan, service, or placement. They were also ordered to pay plaintiffs' attorneys \$170 for cost and fees \$10,575 Attorney Clurman, \$10,750, Attorney Davidson, and \$15,970 for Attorney Mela.

To date Chapter 766 implementation remains problematic in the City of Boston.

## II Mass Advocacy Center

Mass Advocacy Center through its ongoing research and study of policy that effects young people in Massachusetts, have identified Cambridge, Somerville and Boston, as being target areas for parent training in the implementation and monitoring of Chapter 766. Their goal is to set up an advocacy network of parents within the state for the specific purpose of confronting non-compliance issues regarding the implementation of 766.

The State Department of Education is supposed to monitor 766 programs, however, they have not collected the data that they were mandated to collect. A MAC staff member, who is preparing to publish an extensive assessment of state monitoring procedures of 766 programs, literally had to wade through dusty file cabinets in various offices in order to make her final assessment that monitoring data is either incomplete or inaccurate.

Mass Advocacy Center asserts that mandates are not being met and that the State Department of Education has abdicated its responsibility to the education of special needs children. And further that they have exhibited a lack of commitment because:

- DOE has no system of data analysis, as well as no specific program measures or criteria to monitor 766
- special education reports due every year on October 1, and end of year financial and pupil reports are collected in two different ways (correlation is minimal and difficult)
- none of the aforementioned data is available in the form of computer printouts
- Mass Advocacy Center's preliminary work has shown that of 438 school systems in the Commonwealth, only 90 have been audited and 40% of those have been done in the Springfield area because parents have pressed for them

- lack of audit follow-up, no on-site revaluation, as well as no consistent criteria used to do audit, make the use of audits as a monitoring technique for 766 questionable
- Mass Advocacy fears that state is going to do a number of audits on 766 programs in schools (without addressing the inherent weaknesses in the audit approach) for the purpose of taking advantage of federal monies soon to come into the state for the education of disabled children

### III Committee To Get Our Children To School (CGOCS)

In March Boston parents of special needs preschoolers rallied around the issue of transportation. They charged the Boston School Committee with failure to effectively monitor the transportation services being provided 766 children. And then cited numerous examples such as:

- cabs being unsafe-no working seat belts, a particular problem for children who are in wheelchairs, have crutches or other physically restricting disabilities; no emergency equipment such as flares
- unpredictability of when children will be picked up for school and when they will be returned
- children having to ride in cabs for up to two hours while cab route is run (last child has to ride entire route)
- nine children in a cab
- no radio communication means children are "lost track of" while riding in cabs
- evidence that cab drivers are not screened before being hired; one driver reported being handed a list of children to pick up and sent on her way, she was never asked to show her driver's license, give previous work experience, or even if she had knowledge of the Boston area

All of these factors culminate into a very stressful, anxiety ridden experience for the disabled children who must go to school by cab.

#### IV Springfield Regional Advisory Council (RAC)

The parent acting as the pre-school representative to the Springfield RAC says that "RAC" isn't doing its job.

- although the RAC does hear complaints and refers them to Regional Office, there is no follow-up on individual's complaints
- communication to parents in local communities about RAC activities is poor
- parents of special needs children feel that the RAC is very political and weighted in favor of the Department of Education and school administrators; this is due in part to the fact that the same DOE administrators have served on RAC since the beginning whereas parent representatives drop out, there continues to be high parent turnover and vacancies despite three year commitment required in 766 mandate
- parents leave RAC because of feelings of being "along" and "unsupported" (by other RAC members), and that their opinions are discounted
- it is also difficult for parents to commit the time necessary to be involved with RAC

#### V West Springfield Parent Advisory Council (PAC)

In West Springfield a small group of concerned parents have begun organizing a Parent Advisory Council, or PAC as they call it, to support parents of special needs children in their local schools. Already they have received complaints that West Springfield schools:

- still are not communicating to parents their rights that are available under Chapter 766
- parents are not aware that they have just as much "weight" in the development of their child's education plan other professional on the core evaluation teams
- the "CET" process is being done in such a way that parents feel "alone against the system" (CET members are manipulative due to symbols of authority)
- in an effort to improve school/parent communication and ease anxiety in CET meetings, the PAC is asking West Springfield's special education director to meet 766 responsibility and insure that parents have pre-core meetings with CET chairperson or designee, in order that the parent will know beforehand what he/she can expect in the CET process and what his/her rights are-up until now core meetings were held only upon parental request

VI Holyoke Parents Advisory Council (PAC)

Out of growing sense of frustration Holyoke parents recently organized a support group to deal with issues of 766 non-compliance in their local schools. Parents have reached a point where the only way to obtain the appropriate level of services for their children is to totally reject the educational plan developed by the CET, and then negotiate. Other parent problems and strategies include:

- one parent related a story of how it took two weeks to have her child transferred from one school to another, when family had moved to a new location-everytime she called the neighborhood school, she would be given a different excuse as to why there was such a delay, such as lack of transportation, lack of a program for "her child's needs", or that the school was too busy to administer the test her child needed before placement
- one parent has resorted to taping telephone conversations with school officials because many times answers they have given her over the phone have resulted in a non-compliance issue-for example school official stated that her child would be in a class with no more than twelve children, one teacher, and one aide (as required under the law), however, in reality the classroom had one teacher with more than twelve children and no aide
- parents stress the need for continuity of services-they feel that it is important for the teacher who will be teaching the child to handle the development of that child's educational plan (if possible) this is not always the case in Holyoke

Footnotes

10. Mela, Thomas Session on Noncompliance  
Allen v. McDonough 1977
11. Ibid

### Conclusion and Recommendation

If parents assumed that armed with new laws and expanded rights for themselves and their special needs children they could force accountability on the part of special education providers, they were premature in that assumption. For given the individual and collective experience of parents in the Chicopee Parents Advisory Council, there are still many unresolved issues regarding the effectiveness of the implementation of Chapter 766 for disabled children and their parents. It is true that Carolyn eventually got the special education programs and services she required. But it is also true that in the process Carolyn's mother had to suffer through delay after delay; withstand harassment by school officials; hire an attorney; and eventually organize community parents with special needs children to fight "the system". As an organization, CPAC soon realized that it would take the combined pressures of tactics exerted both outside and inside the 766 process in order to force responsiveness on the part of providers, and to force mechanisms outlined in the law's accountable procedure to function on behalf of disabled young people.

CPAC strategies of utilizing the media, documenting non-compliance instances, and instituting lawsuits, have improved greatly the status of 766 implementation in Chicopee. Numerous services such as resource rooms, pre-kindergarten programs and speech therapy have been provided. And more than 900 children are now receiving special educational services. Nonetheless CPAC's past experience and on-going struggle have pointed to several continuing problems for parents in 766's accountability process. In reference to the Chicopee parent groups experience, specifically and the experiences of parents in other parts of the state, six problem areas will be discussed here.

Problem Area I: Parents/Children's Rights

One of the primary assumptions underlying the implementation of Chapter 766 is that parents are aware of their rights and their children's rights to obtain the programs and services provided under the law. More importantly the law further assumes that such parents are capable of effectively advocating for their rights. This is still not the case for many parents of special needs children today. Mrs. Wojick was fortunate in that her initial contact with the 766 law was through one of her daughter's teachers who already had a very good understanding of the special education law and procedures and could therefore give her some guidance. However, there are reoccurring complaints of parents still not being able to amass a working understanding of the 766 process, despite Despite Department of Education issuing revised copies. The lack of pre-core evaluation meetings only further perpetuates parents insecurity about 766 processing and further heightens anxiety parents feel in actual core meetings-an "alone against many" situation.

The Department of Education has been shown on several occasions to be unresponsive in communicating with parents in general and specifically in answering parents verbal or written questions about 766. In fact it can be extremely difficult for individual parents to access to any information about the law. There seems to be no one parents can turn to for such information, particularly in those communities that haven't as yet established parent advisory groups of any kind. Very often the first person a parent turns to is their child's teacher. Teachers are themselves still learning about the law so they may or may not be helpful to the parent in terms of enlightening him about his rights and the rights of his child under Chapter 766.

Compounding this problem further are the parents own misperceptions of who the law is supposed to service and fears of retaliation that prevent them from seeking the help and information resources many parents groups willing offer.

Problem Area II: Identification Referral and Evaluation

Parents become introduced to 766 when their child has some sort of disabling problem that makes learning in a regular school program difficult. Or in the case of pre-schoolers, it is thought that the child will have a problem. Identification of a problem is the first critical step in a child's educational development. However, as was the case of Carolyn; disabilities are not always readily apparent. It is very likely that other school systems in addition to Chicopee have screening programs that are not sophisticated enough to detect the wide range of disabling problems children might have. And teachers who are not trained to recognize symptoms of what could be future learning problems in children only contribute to kindrance of a child's educational progress.

The whole process of developing an educational program for a special needs child is in actuality a very discretionary one. A process where a group of people from a variety of disciplines come together to discuss all of strengths, weakness, and future educational goal possibilities of that child. (And most of these people have never even seen the child before.) This can be a very emotional experience for a parent. Especially if he or she is going through the core evaluation meeting for the first time and/or without the support or advice of a case advocate.

Nonetheless, that parent must be able to use his powers to ask for a second medical opinion; to review all documents, reports, and evaluations; to petition for appeal hearings; and finally to accept or reject the educational

plan in order to negotiate the optimal educational experience for their child. This negotiation process requires a great deal of conviction and political savvy. For not only must the parent seek out information from a variety of sources, but then act on what it is he or she has learned. This might even mean, as some Chicopee parents did, writing their child's educational plan themselves in order to ensure their child's needs were met.

The continuing problem of delays in the processing of a child, from identification to placement, not only goes against 766 legal mandate, but greatly hinders the educational development of a child who is waiting for special help. Carolyn's year long delay was inexcusable.

### Problem Area III: Provision of Services and Programs

Assuming that the parent and child get through the process of identification, referral, and evaluation, the next step is to actually obtain services for that child. Mrs. Wojick found this to be one of the major problems she confronted and the actual catalyst for organizing community parents. Although the law requires school committees to fund programs required in educational plans, even if only one child needed the service, this was not the case for a number of Chicopee, West Springfield, and Holyoke parents. The more costly the program the more likely the special needs children wouldn't receive it. Many towns and cities do indeed have difficulty in funding their school finances. But Chicopee refused to fund program tuition expenses for a group of disabled children and deliberately undercut the special education budget. It took CPAC obtaining a court injunction to rectify the one specific instance, and filing of a ten-taxpayer suit to move towards resolution of the greater problem.

All too often cities and towns use lack of finances for a variety of reasons why special needs children can't have the services and programs they

are entitled to. It is possible that little can be done to ease the financial burden on local cities and towns short of restructuring municipal finance so that it is less dependent on revenue raised from property tax. However, the new school finance reform legislation submitted by the Special Commission on Unequal Educational Opportunity, is a major step toward the equilizational of school financial resources in communities throughout the Commonwealth. And it is also a significant step toward curtailing the usage of lack of funds as an excuse for non-compliance.

Problem Area IV: Parent Grievance Mechanism

The main target of CPAC strategy was and still is the Chicopee School Committee. Despite the various number of agencies and actors CPAC has dealt with, it was always for the purpose of putting pressure on the School Committee to force them to comply with Chapter 766, as it was legally mandated to do so. And even though CPAC had done its "homework" on the law and documented instances of non-compliance, they and their 10-point letter were continually ignored by the school committee, special education director, and regional office. Instead they received threats, unanswered phone calls and letters, and out refusals to discuss the issues. Almost six months went by before they got through to the Springfield RAC.

The RAC is the body that is supposed to investigate complaints and make recommendations regarding their remediation to the Department of Education. Therefore the RAC took appropriate action when they decided not only to look into complaints themselves but ordered special education administrator who at that time was Paul Couette, to investigate situation in Chicopee. The RAC did an audit which verified problems existed. But beyond that step the RAC was of no meaningful help to the parents group. For example, in a direct confrontation situation, the Chicopee School Committee agreed they were in non-compliance, but told RAC they could do nothing to change the situation due to

lack of funds, and personnel. Despite RAC sympathy with parents they were impotent to force change.

Considering parents collective experiences with RAC's around the state, it is doubtful that parents will use it, in the future, as a mechanism for forcing provider accountability. As a general rule, the RAC has been unsuccessful at intervening on behalf of individual parents and their special needs children. And the law itself is not clear on RAC's responsibility to the individual parent beyond the hearing of complaints and recommending of remediation to the Department of Education. Added to this are parents perceptions that the RACs are powerless, political and weighted heavily in favor of the Department of Education, and school officials.

All in all Chicopee parents found no one agency, office, or administrator to whom they could relay legitimate problems parents were experiencing under the implementation of 766, who could affect positive action on their behalf.

#### Problem Area V: Monitoring the Implementation of 766

CPAC, pressed for an audit of their school system thinking that it would be an effective mechanism for drawing attention to non-compliance areas in Chicopee. (This was indeed one option open to them under the law.) Although the audit was done showing many areas of non-compliance with Chapter 766, no significant improvements resulted for special needs children as a whole in the town, the exception being the "33 cases" for which citations were given to Chicopee. For parents the critical element missing from present Department of Education methods of special education assessment is the lack of on-site follow-up investigation to determine whether or not department recommendations are being carried out. It is also the contention of parents that such follow-ups would reveal information and problems not alluded to in the city or towns annual educational reports.

As Mass Advocacy Center studies have pointed out, no meaningful feedback can be gained on how the system is or is not functioning for special needs children and their parents, given the current manner in which information is gathered - through a series of yearly written reports and audits done once every 3-5 years. The Department of Education has cited the problem of a lack of personnel for the reason audits are delayed, and no on-site follow-ups can be done. There are four to six persons staffing audit teams in the regional offices, to do the job for a theoretical one-sixth of the 438 school systems in the state. However, without defineable goals and criteria for their evaluation, the effectiveness of audits used as a monitoring technique is questionable. Especially if we take into consideration the lack of personnel and Mass Advocacy studies showing inconsistencies in data collection methods and correlation of that data throughout the state.

It is not surprising then that CPAC would push for a Monitoring Committee to be established pursuant to consent decree, considering the outcomes of both RAC and DOE audits. Parents have a good point when they ask (about the extensive amounts of paperwork being forwarded to the Regional Office) who is going to check to see if Chicopee's 938 core evaluations have been done, that 938 educational plans were written correctly, and that 938 reviews are made? The Monitoring Committee will undoubtedly help parents in arguing the 766 process, and seeking remediation for problems they might have. The next problem for parents to face is what happens to monitoring in Chicopee when the consent decree has ended, for the Monitoring Committee will also come to an end.

Problem Area VI: Enforcing Implementation of 766

Chapter 766 specifically states that the Department of Education can withhold funds from any city or town that refuses to comply with the law. However this is a course of action that is never carried out. The town of Chicopee

was threatened several times with the withholding of state reimbursement monies. Such threats only forced the Committee into taking action on specific cases, while their overall non-compliance continued. Sources inside the Department of Education say that the reason for not using such an action is that withholding state monies would cripple the entire school system and therefore would effect all educational programs and not just special education programming and service delivery. Which is a point well taken. Nonetheless, without ever actually carrying out this punitive action the withholding of funds remains an empty threat to school officials and administrators in the Commonwealth.

The vote is still out on whether or not parents' strategy to file a formal lawsuit charging Chicopee with non-compliance was effective or not. As mentioned earlier the real power of the court to enforce the 766 order lies in its power to hold Chicopee - its administrators and public officials in contempt of court subject to fines or imprisonment. Lawsuits waged by both parents and the Attorney General's Office were long and costly, just to bring Chicopee to the point where it will negotiate to comply with 766 legal mandate that went into effect four years ago.

Without any expeditious form of punitive action by the state local school systems know that the chances of them being forced to comply will be minimal; especially given the long and costly Chicopee experience, present state monitoring techniques, and the fragmentation of parent advocacy efforts in the state.

One of the only regrets parents in CPAC have regarding strategies they've utilized in the past two and half years was that they did not file suit against both the Chicopee School System and the Department of Education. It is their contention that had the Regional Office been doing "its job" effectively, as mandated in Chapter 766, Chicopee parents would not have had to go to the court system in order to force accountability on the part of special education providers in their town. The Regional Office's mandated responsibilities include administrating and supervising, as well as monitoring and remediating problems that occur under the implementation of special education laws in towns in their region. Parents felt that had the Regional Office done what it was supposed to it would have identified instances of non-compliance long before CPAC presented its 10-point letter, and would have worked towards remediation of problem areas long before CPAC filed its class action and ten-taxpayer's suits. Thus, the Attorney General's Office would have been in the position of arguing a case as co-defendants with Chicopee School official instead of sharing a co-plaintiffs position with Chicopee parents.

Nevertheless we come away from the Chicopee parents groups" experience with mixed emotions. On the one hand we can be overwhelmed with emotions of frustration and anger due to the fierceness and intensity with which parents had to struggle for the attainment of rights their children were entitled to by law. And on the other, a sense of hopefulness that comes with the individual and collective victories parents have achieved in obtaining programs and services their disabled children needed. Given school systems resistance to change and the weaknesses in the accountability process the successfulness of parents efforts was and still is critically dependent on several key variables. In order for an individual parent to force accountability on the part of providers in their community that parent must:

- be fully knowledgeable of both parent and child rights under the law

- have a clear understanding of their child's disability and a good sense of what that child needs educationally
- can afford to expend both the time and money necessary to work through 766 process
- has an assertive personality, such that he or she can move on his or her ideas
- does not succumb to threats or harassment
- has the continued support of other parents of special needs children attending public school

The afore mentioned variables mean the amassing of all of that parent's skills, resources, and various aspects of his personality in order to effectively confront the 766 process. The burden is great for the individual parent. And it is very likely that the disabled child whose parent is weak in one or more of these areas will continue to suffer educationally. We cannot assume that that child's school system will respond in his/her best interest.

Therefore it becomes apparent that after being fully knowledgeable about their rights under 766 law, the most critical variable of the ones listed above is that parents have access to and support from other parents of special needs children in their community. A group of parents that through its collective knowledge, experience, and strength can provide that parent with the emotional support, information, guidance, and technical assistance to engender provider responsiveness for the education of their disabled child. This is a primary yet significant step toward forcing special education provider accountability on the individual case advocacy level. Mrs. Wojick's experience attest to this. Nonetheless, to date, organized parent efforts are fragmented and at various stages of development throughout the Commonwealth.

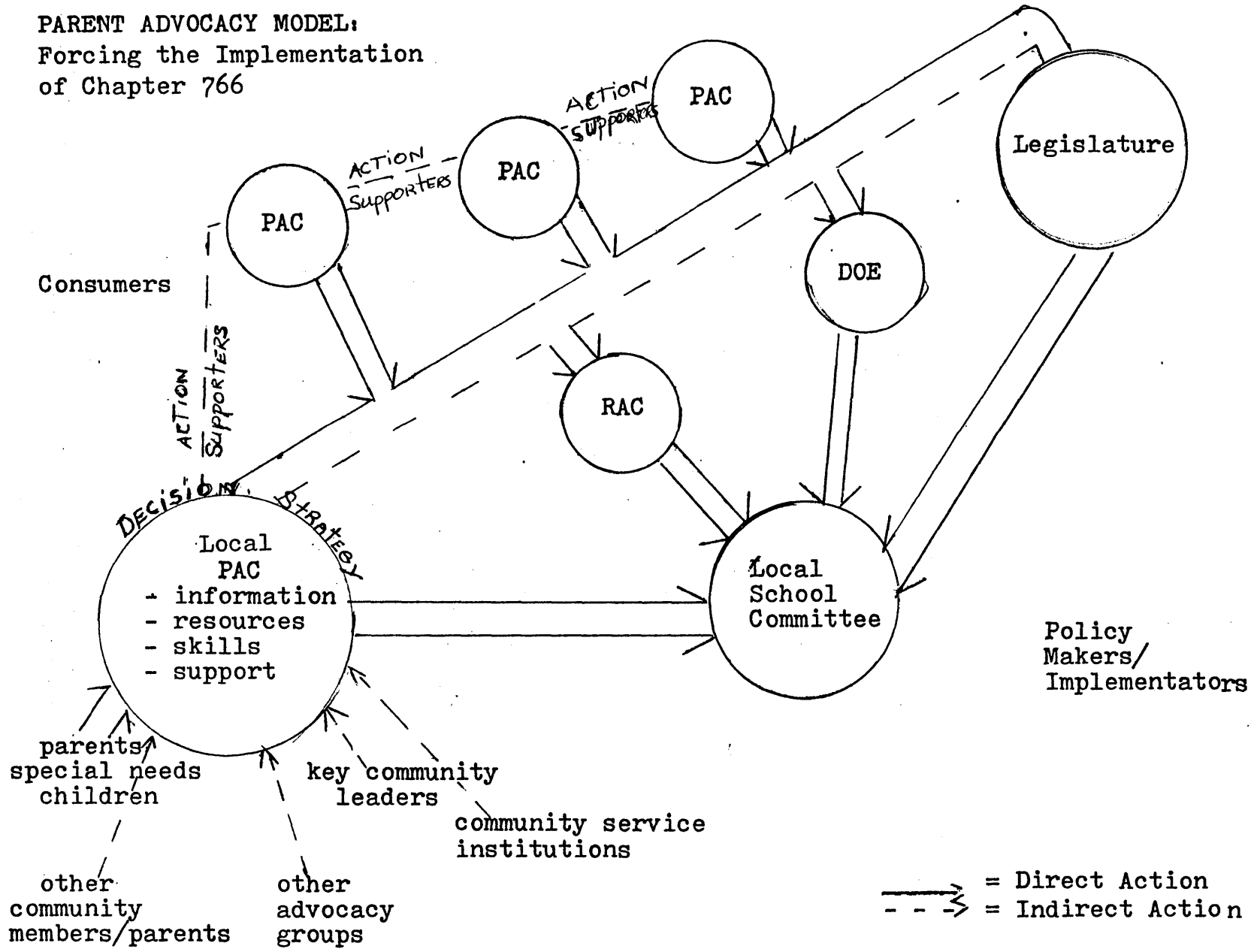
On still another level the experience of parent groups in Chicopee, West Springfield and Boston point to and underscore the need for a network of community based parent groups organized around and for parents of special needs

children. The overall purpose of such would be to advocate for their children's right to an equal education opportunity under Chapter 766. As Mrs. Wojick realized when struggling to obtain special education services for her daughter Carolyn, that as an individual parent she did not command enough clout to force the local school system to respond. CPAC now realizes, despite their many victories, that it as an individual parent group, cannot effectuate systemic compliance.

Despite the evidence that parents in various parts of Massachusetts are facing similar difficulties with regard to the implementation of 766 (such as delayed core evaluations, problematic transportation, and the lack of Department of Education investigation and follow through on parental complaints) parents are only beginning to perceive the commonality in their struggles. Given this, and the present intensity of local provider resistance, the educational plight of many disabled children is tenuous. Parent groups again face few alternatives, but to develop a process that will allow them to organize, strategize and then mobilize to affect change.

What is now needed is for parents to conceptualize a model to force accountability on the part of 766 providers for disabled children. It is important that such a model be based on a belief that parents can effectively organize, strategize and mobilize on behalf of their special need children in a concerted and unified effort. Such advocacy was necessary to obtain Chapter 766's enactment, and such advocacy remains necessary to insure its implementation. In response to that need, I would like to propose the following conceptual model of how I envision a network of parent groups, once organized, able to force accountability on the part of local special education providers. (Although I am stressing the development of a network of parents group the model will be explained from the perspective of one community.)

**PARENT ADVOCACY MODEL:  
Forcing the Implementation  
of Chapter 766**



Within the context of this model (PAC) the local parent advocacy committee, as I've named it, is to be the focal point of all decision-making, strategizing, and action implementation. It's overall purpose is to force local responsibility for complying with Chapter 766 as legally, mandated. And although the core of the groups membership should be parents and special needs children themselves, in order to maximize effectiveness and minimize obstacles it is essential that PAC seeks to garner community support i.e. key community leaders, representatives of family and child service agencies, established advocacy groups and other concerned parents and community members.

Utilizing, the parent groups combined information, resources skills, and support they can then strategize on action that will apply pressure in both direct and indirect ways to secure provider responsiveness. Here it is suggested, that it requires combined efforts of applying individual pressure on stat level policy implementors to put local providers in such an untenable position that to not comply with the 766 mandate would be politically unsound, and practically infeasible. Critical to the functioning of this model is that parents recognize that different levels of advocacy require different kinds of action and different intensity of resources. It also implies that the parent group have a clear understanding of the policy implementation process in order to manipulate it for their benefit. CPAC found that it took a highly visible, serious and intense series of events before the state department of education acted on Chicopee's non-compliance with 766 law. Their instituting a lawsuit was more effective than their original 10-point letter. This is not to say that lawsuits are the only way to negotiate a position of powerfulness but to show the need for organized, well thought-out action strategies, by parents before they carry out.

In as much as there are more special education services and programs in Chicopee, and more children to take advantage of them; that parents have developed coping strategies to get them through the 766 that they know will work; and that parents have found mechanisms to circumvent systematic resistance to change, CPAC has been successful. But it is a tenuous success. (Especially in light of proposed new federal legislation that threatens to render powerless parents right to an appeal and to weaken other parental rights in special education process.) It is necessary that parents are eternally vigilant in order to maintain the commitments and services they have acquired thus far and to ensure that providers are continued to be held accountable for problem areas in the implementation of 766 that remain to be resolved. And this endeavor is something CPAC can not do alone.

For not only do parents need the support of other parents in order to force local compliance with 766 law, they need the continued and intensified support of state level public officials and special education administrators. What is now needed is their reaffirmation to the original legislative intent that parent involvement in 766 be deliberate and meaningful in order to insure that disabled children obtain their rights to equal educational opportunity in the Commonwealth. For it is still true that consumers - parents and special needs children - are themselves the most effective "monitoring tool" at the states disposal. Their day-to-day and serious long term commitment to the betterment of the educational process for their children makes their insight and assistance invaluable. However as it stands now there is no meaningful channel of communication between parents individually or in groups, and the state department of education. There are conceptual, informational and physical barriers between policy makers and consumers. Even the 766 devised Regional Advisory Committees have been seriously accused of being impotent, insensitive, and inefficient, in serving as a mechanism for parent grievances. Such barriers must be eliminated immediately in order to

garner parent confidence and participation. Once done it is conceivable that present Department of Education efforts to force local compliance through the court system or by withholding state reimbursement monies would have more clout given their strengthened relationship with local parent groups.

Legislators can play a valuable role in facilitating the development of a process that would seek to minimize those conceptual, informational and physical barriers between the state department of education and parents of special needs children in their districts. And as a result of that process maximize the development of a cooperative working relationship between the two. One well used but still effective strategy of direct confrontation would be for legislators to hold a series of public hearings in their constituent communities around the issue of accountability and Chapter 766 pulling together both department of education administrators, concerned parents and community members. If well planned (and well publicized such a meeting could be a mutual learning experience for all parties involved and a significant step toward the resolution of implementation problems with 766.

Given the nature of a state reformational policy, such as Chapter 766, that seeks to make a radical movement away from the status quo for the betterment of its citizenry resistance to that change seems to be an inevitable consequence. Nonetheless, if the state - its officials and administrators - is serious in its commitment to disabled children, it will join forces with parents to overcome any obstacle that precludes their children acquiring an equal educational opportunity. For one thing is certain, parents must and will remain ever vigilant in their struggle. The education development and future potential of the lives of their disabled children are at stake. To do otherwise would result in the greatest of personal tragedies!

APPENDIX

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- 3-2-78 Shanta Driver, Parent Advocacy Trainer, Mass Advocacy Center, Boston
- 3-5-78 Marcia Holford, Educator, Dimock St. Pre-School (Committee To Get  
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- 3-8-78 Lois Tetrault, Parent, member Chicopee Parents Advisory Council,  
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- 3-14-78 Marge Wojick, President Chicopee Advisory Council, Chicopee.  
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- 4-15-78 Bob Blumenthal, Legal Counsel, Department of Education, Boston
- 4-17-78 Jean Brawsey, Parent Preschool Representative Springfield Regional  
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- 4-19-78 Alan Posner, Legal Counsel, Attorney General's Office, Boston
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Chicopee

as taken from:

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Holyoke Transcript-Telegram  
Springfield Daily News

## **CHICOPEE COUNCIL of PARENTS and TEACHERS**

### **Asks — WHY?**

- Why** has our once proud educational system become the "laughing stock" of the nation?
- Why** at the expense of our children's education have some of our most qualified teachers in the system been issued dismissal and demotion notices?
- Why** is the discipline in our schools being further hampered by the removal of the disciplinarians, the Vice Principals?
- Why** is the morale of the entire school system at the lowest ebb it has ever been?
- Why** is our educational process rapidly regressing due to the lack of leadership?
- Why** are curriculum studies, home economic and industrial arts equipment, gyms and gym equipment lying stagnant when tax money has paid for them.
- Why** have our transportation programs become so chaotic?
- Why** has the School Department budget operated at such a deficit for the last few years?
- Why** can't the teachers' escrow fund be accounted for?
- Why** did we have to appeal to the Board of Aldermen to "bail us out" for after school activities including use of the schools for PTO functions?
- Why** is there a lack of support for school personnel in enforcing school policies?
- Why** are important money and other educational decisions formulated socially and not at the School Administration Building?
- Why** wasn't school administration represented at the recent investigation of a proposed prison site adjacent to three of our city schools?
- Why** is Chapter 766 used as the constant "scapegoat" for all financial woes?
- Why** did a School Committeeman, at his own expense, find it necessary to procure information regarding the credibility of the Superintendent?
- Why** haven't some members of our School Board been convinced?

**W H Y ? ? ? ?**

*We Know Why . . .* **CHICOPEE NEEDS**

**A NEW SUPERINTENDENT OF SCHOOLS  
ACT NOW . . . CALL YOUR SCHOOL COMMITTEEMAN TO  
INITIATE PROCEEDINGS TO HIRE A NEW SUPERINTENDENT  
CHICOPEE COUNCIL of PARENTS and TEACHERS**

# School Board Faces Decision On Special Education Services

CHICOPEE — The citation against the school committee for non-compliance with the state special education law can be removed as soon as services denied to children during the recent school financial crisis are provided, Paul Caouette, special education director for the regional office of the State Dept. of Education, told the board Thursday night. Caouette also said that if services were not provided the state board of education could eventually withhold all state funds until the law is met.

Caouette issued the citation July 12 after he was informed that services were not provided to 33 students as recommended by the school department's CORE evaluation team, which conducts assessments of students throughout the school system.

School committee members pointed out that the reason the services were not provided was the lack of funds in the fiscal 1976 school budget. The school department, as of June 30, 1976, faced a \$1.2 million deficit.

When the special education recommendations were submitted to the committee last March 31 by the school department's acting special education director Barbara Gregory, the committee voted to carry out the recommendations to the extent monies were available. However, none of the 33 students in question received services, Caouette said.

He said the regional office made an investigation into the matter before the committee was cited for non-compliance with section 71B of the special education law.

Caouette explained that following a citation issuance, he

notifies Dr. Robert Audette, associate commissioner of special education for the state Dept. of Education, with the recommendation that legal action be initiated against the school committee.

According to Caouette, the case can either be settled in or out of court between the committee's legal counsel and the state attorney general's office, which handles such cases.

In addition the state board of education is notified of the citation and it can withhold all state funds until the committee complies with the law, Caouette said.

However, Caouette said the citation can be removed if the committee provides the previously-denied services by the start of the 1976-77 school year.

According to school officials, some of the cases have already been resolved as of July 1 when the 1977 fiscal school budget became available.

The committee noted that the cases would be reviewed again and that a motion to provide the services would probably be made at this Wednesday's regular meeting.

Caouette, when questioned about the school department's proposal to form a special education collaborative at Westover Air Force Base, said the plan would be in violation of the state special education law if the committee intended to simply place the students at the base facilities and not attempt mainstream the pupils in the regular school system's classes.

He added that the collaborative would be in compliance with the law if the school department made it part of the overall day school program.

## Chapter 766

# School System Cited For Noncompliance

CHICOPEE — A preliminary Chapter 766 Program Audit report shows there are 19 areas of non-compliance with the state special education law which exist in the school system here.

The report lists the preliminary findings of a 766 Program Audit conducted in the school system during the week of Dec. 13 by the Bureau of Program Audit and Assistance in the Division of Special Education of the state Dept. of Education.

Wednesday night the school committee received the preliminary report and referred it to a special meeting. A final report, which is to serve as a planning document for further program development for special needs children, is expected to be available by February, according to school superintendent John M. Luke.

The school department is required to submit a written follow-up on non-compliance issues and recommendations to the Program Audit chairman one month from the date of the final Program Audit report.

### Problem Areas

The preliminary report shows there are problems in the areas of finance, transportation, physical facilities, kindergarten screening, public communication, staff development, core evaluation (where 27 problems were listed) and program development.

Included in the 19 non-compliance issues are the following: no screening of three and four-year olds for the current school year; failure to complete a kindergarten assessment on or before Oct. 31, 1976; absence of on-going assessment for late arriving kindergarten students including the non-English speaking student; certain special education staff are without appropriate state Dept. of Education approval in their area of specialization, not all receiving teachers, especially regular class teachers, participate in the development of educational plans in the core

evaluation process; students who potentially exhibit the need for services at the High schools are not, by administrative decree, recommended for a core evaluation.

Also, specific services and materials indicated in educational plans are not being provided; no assessments, including medical evaluation, and lack of full-core evaluation for certain special education cases; delays between parental acceptance of educational plans and the provisions of services because of school committee policy requiring approval; and no in-service program for school transportation drivers held this year to address general training and the needs of specific children.

### Commended

The school department was commended for the work of its speech clinicians in developing assessment instruments for detecting speech and hearing problems and in providing follow-up services to four-year-olds; staff development programs initiated this fall for selected special education personnel; improvement of educational plans from earlier models, especially in the areas of speech, language and hearing services; educational plans with suggestions for regular education teachers; statements of priorities relating to quarterly educational objectives and detailed quarterly reports, particularly for children with services in speech, adaptive physical education and special education reading.

Also, provision of special education programs and services to children with various special needs prior to Chapter 766; initiation of a "buddy system" at the secondary level and the subsequent poor assistance to a student with severe physical limitations; cooperation between officials at the Litwin School and Sunshine Village in providing physical education facilities after school hours for the clients of Sunshine Village and initiative of the telecommunications program personnel in designing flexible program options which include special needs students.

Results of the report were based on on-site visits for interviews and observation of special education staff, review of individual case records of 50 children randomly selected from the students receiving special education services and self-evaluation questionnaires on program and procedures by administrative staff, professional and supportive personnel, and parents of special education children.

Dr. Inez E. Hegarty, educational specialist from the regional office of the state Dept. of Education, served as audit program chairman. Twenty-one area educational specialists also served on the review committee.

The school system's special education program has been beset with problems during the past year. It was cited in July for non-compliance with Chapter 766 by the regional office of the state Dept. of Education for failure to provide services to children in 33

cases. The services were not provided last spring when the school committee faced a \$1 million deficit in the fiscal 1976 school budget. A class-action suit filed by a local parents group is pending against the school committee in Hampden county superior court for non-compliance.

# 9-23-76 Special Education Cases Tabled Again

CHICOPEE — A lack of back-up material resulted in the school committee's once again tabling the approval of pending special education cases.

Tuesday night the ad hoc special education committee referred the matter to a special adjourned regular meeting scheduled for Thursday at 7:30 p.m.

The administration was directed to have a definitive count of the number of cases pending as well as a complete, updated listing of the cases.

Barbara Gregory, who is serving as acting special education director, came under fire by several committee members, particularly chairman Robert Richards, for failing to provide the committee with answers to their questions on the cases.

"I am quite disturbed and alarmed that you (Gregory) don't have the number of cases and cannot spell them out. We talked about them since last February," Richards said.

Other members said that while they did not oppose approval of the special education cases, they did not favor giving out a blank check.

The major question centered on the number of cases pending funding. While the committee was under the assumption there were 33 cases, Gregory told the board some services had been provided already. The exact number of cases pending plus the overall cost of the package was

not available for the committee.

Although the committee last week tabled approval of the cases because of a legal question as to whether it could examine the children's files without the parents' permission, the matter was not discussed Tuesday.

According to an opinion issued by the committee's legal counsel, Atty. Edward J. Ziamba, "the school committee responsible for funding a day or residential placement under Chapter 766 may have access to the educational plan of the student without consent of the eligible student or parent; provided that such access is authorized by a majority vote of the school committee and provided that all personally identifiable data are deleted prior to access."

Ziamba, who attended Tuesday's meeting, said his opinion was based on regulation 7.4.6 of the Student Record Regulations established by the state Dept. of Education.

The committee's inaction Tuesday night marked the fourth time in five weeks that it has failed to approve the cases. The committee had approved the cases this past March subject to available funds. Few services were provided, however, as the committee faced a \$1.2 million deficit in its fiscal 1976 budget.

On July 12 the regional office of the state Dept. of Education cited the committee for non-compliance with Chapter 766 for its failure to provide services for the special education cases. The committee's recent failure has caused a coalition of area child advocate groups to ask the state Dept. of Education to withhold all educational funds to the city until the cases are resolved.

Committee members present at Tuesday's meeting were Richards, ad hoc committee chairman Alvin Gosselin, Aldea Paul, Helen O'Connell, Rose Lesik, Russell Campbell and Henry Midura.

# ript-Telegram.

ly Transcript-Telegram

## 33 Special Education Cases Approved By School Board

CHICOPEE — The school committee Thursday night finally approved the 33 special education cases for which it was cited for non-compliance with Chapter 766 and voted to establish a line of communication with the mayor and the board of aldermen concerning new cases.

While the committee apparently resolved the 33 cases which have been in question since last winter, it was informed that there are an additional 25 cases, which have been pending since last April and May. However, acting special education director Barbara Gregory said the committee has not been cited for non-compliance with Chapter 766 on these cases.

The 25 cases were tabled to next Wednesday's regular meeting and the school administration was directed to provide back-up material for the session.

Thursday night the committee was told that services have been provided already for 18 of the 33 cited cases and four parents have paid the costs of the needed services.

### Accept Cases

The committee voted to accept those cases and to have the school department reimburse the parents. There was no cost estimate available on the cases.

On a motion by Kenneth Lemanski, the committee also approved implementation of the remaining 15 special education cases and authorized the school department to provide funds for the expenditures. The board was informed that these 15 cases would cost \$4,940.

A move was then made to advise the regional office of the state Dept. of Education and the Chicopee Parent Advisory Council of the committee's action. The regional office

had cited the committee for non-compliance with Chapter 766 on July 12.

In August former regional special education director Paul Caouette told the committee that the citation would be lifted once the services called for in the 33 cases were provided. Failure to take such action, could force the regional office to recommend to the state board of education that legal action be taken against the committee, which could lead to the state withholding educational funds to the city, he said.

Besides resolving the cases, the committee voted on a motion by Alvin Gosselin that all special education cases be forwarded to the mayor, the president of the board of aldermen and the aldermanic representative to the school committee so that both parties would be kept informed of Chapter 766 and its expenditures.

Gosselin said that the committee was not giving up its responsibilities for Chapter 766 and its authority for approving the cases.

"We're simply establishing a line of communication with the mayor and board of aldermen of what has happened with Chapter 766. We can send them lists of Chapter 766 expenditures and minutes of school committee action," added Ward 8 committeeman Robert Berger.

The committee also moved that a joint meeting be held with the board of aldermen on Chapter 766 and that the aldermen be asked to attend a series of workshops which the regional education office is to hold for the school committee here.

# Special Education To Be Evaluated

11/16/76

**CHICOPEE** — The Div. of Special Education of the state Dept. of Education will conduct an evaluation of the school system's overall special education operations from Dec. 13 to 16, according to acting special education director Barbara Gregory.

She noted that the state began evaluations in communities across the state last year and that it is Chicopee's turn to be reviewed.

According to Gregory, nine areas of special education will be reviewed. They are: staff development, public communication, service for children ages three and four, kindergarten screening, core evaluations, program development, physical facilities, transportation and finances.

Following the evaluation, a final report will be submitted to school superintendent John M. Luke and the school committee. The report will list the areas of non-compliance with Chapter 766, if any, and recommendations for corrective action, added Gregory.

The school system's special education program has been faced with several

problems since Chapter 766 was enacted three years ago. The program ran in the red more than \$400,000 during the past school year and Gregory, in a report submitted to the committee Sept. 20, indicated a nearly \$200,000 deficit may be incurred in the out-of-district placements and transportation accounts by next July 30.

The school department also was cited by the regional office of the state Dept. of Education in July for non-compliance with Chapter 766 as it failed to provide services for at least 33 special education cases. The committee's failure to implement the cases was a result primarily of its fiscal 1976 deficit.

The school department is currently faced with a class-action suit filed by the Chicopee Parents Advisory Council. In the suit, filed on behalf of all special needs children in the school system, the Council is seeking to have the court order the school department to comply completely with Chapter 766. No date has been set for a hearing on the suit which was filed Nov. 2 in Hampden Superior Court in Springfield.

## Let Chicopee School Bd. Set a 'Realistic Budget'

In the past year and a half our School Committee has gone from a chaotic mess to a disastrous state of mind. We have heard that the blame has been on a poor administrator, unqualified teachers, and if the cafeteria workers and custodians don't watch out they will be blamed, too.

Mr. Gosselin has said that Supt. Luke cannot breathe without School Committee approval, so it must be said that nobody within the system can either.

The function of the School Committee is to set policy for everyone to follow, if that policy is wrong who is to blame? The only place the blame can be placed is the School Committee. They are the ones who are re-

sponsible and they are the only ones who can breathe without anyone's approval.

I understand we are in a deficit budget in special education for the '77 school year. Has our School Committee said why? Did they let the public know that the budget was dead before it even started? Did they say that the acting special education director projected that she needed \$275,000 for outside placement and that the School Committee cut the account down to \$67,350.

It is the duty of the committee to set a realistic budget and to live within that budget. This is one area that shows how realistic they are.

**MARGE WOJCIK**  
Chairman  
Parents Advisory Council

Chicopee.

12/13/76

# Mayor Explains Tax Hike

12/3/76

By HENRY FILAR  
Union Bureau Chief

CHICOPEE — The School Department got the lion's share of the blame for the \$65 increase in the tax rate as Mayor Howard W. Redfern Jr. Thursday night offered his explanation for the record-high jump and revealed his aims to stem the tax tide, in a public hearing at Aldenville American Legion Post 337.

He was not alone in focusing on the school system.

Many of the questions from the audience of some 200 persons were school-oriented and ranged over such topics as where cuts can be made in the department and why teachers were retained after Westover Air Force Base was transferred to Air Force Reserve status.

The attentive audience obviously was interested in the mayor's first public hearing on the tax rate issue as they appeared despite adverse winter driving conditions.

In his opening statement, Redfern pointed out that the School Department's 42 per cent share of the increase is due to additional expenditures of \$1.7 million for the budget increase, \$990,000 to cover the school deficit and \$27,000 for interest on the teachers' escrow account.

He also blamed a 22.3 per cent decrease in state aid or \$1,452,000 as another major contributing factor.

He also cited: \$357,000 for the Fire Department arbitration award, 5.5 per cent; \$667,000 for an increase in contributory retirement, 0.5; \$170,000, increase in health insurance, 2.6; \$773,000 increase in debt and interest, 11.2 per cent; \$364,000 in free cash deficit, 5.6, and \$49,000 increase in department expenses, .49 per cent.

Pointing out these raw figures, the mayor said the city needs help from citizens as well as elsewhere if taxes are to be controlled.

"We need citizen input now, just as the budget task for next year is about to begin," declared Redfern.



MAYOR REDFERN  
... asks citizen input

As a starter, he said he mailed letters Thursday to 36 businessmen, bankers, industrialists and accountants and asked them "to volunteer their expertise in budget preparation."

He also invited those in the audience with expertise to join in the effort.

He announced his intentions of instituting zero based budgeting for the next fiscal year, a move which would require every department to explain every request for budget funds.

In his budget plan, the mayor said he will "call for a reduction in personnel while attempting to keep the services provided by the city at the highest possible level, through increase in productivity and efficiency."

"The city now pays salaries and benefits comparable to those in the private sector, and taxpayers have a right to expect quality work from city employees."

But aid also must come from other sectors, he continued. He emphasized goals he is striving to achieve. He listed them as follows:

1. Increase in local aid by the state and return of diverted lottery money to communities.
2. Fiscal autonomy for school committees.
3. Repeal of compulsory binding arbitration.
4. Prohibit state from imposing costs caused by legislation without state funding.
5. Tax incentives for business and industrial construction.
6. Exclude management personnel from collective bargaining.
7. Prepayment of auto excise taxes.

He mentioned a wide variety of programs he is working on that could save money as well as make Chicopee a better place. He said he is considering transferring ambulance service from the Fire Department to a private firm.

A study is being made, according to Redfern, into reduction of the Sanitation Department force and instituting biweekly pickups or by having a private firm handle collections.

Another study is being made into the elimination of privately-owned trucks in the snow removal operation.

The mayor's hour-long presentation was followed by questions from the audience which included among the spectators former Mayors Edward J. Ziemba and Edward Lysek and members of the Board of Aldermen. Roy A. Scott, president of the Chicopee Savings Bank, served as moderator.

Under questioning, the mayor said cuts could be made in school books and supplies and in transportation. He also saw a savings in a return to the neighborhood school concept. He backed tightening of Chapter 766 legislation governing special education.

# Problems Fail To Turn Off Special Ed. Director

By NANCY PRAJZNER

CHICOPEE — To anyone who has kept abreast of the school department during the past year, it may seem that Ralph E. Hicks has stepped into a lion's den by taking the position of special education director.

Hicks, who began the job Monday, has taken control over a special education program which has been, and still is, beset with numerous problems.

Topping the list is the financial situation. Last year the special education account ran in the red nearly \$400,000 and school superintendent John M. Luke already has predicted a fund shortage of approximately the same amount by the end of the current fiscal year.

This past July the regional office of the state Dept. of Education cited the school committee for non-compliance with Chapter 766 — the state special education law implemented in September 1974 which requires local school committees to provide for the education of all persons with special needs between the ages of three and 21.

## Suit Pending

In addition to the citation, a class-action suit filed last month by the Chicopee Parents' Advisory Council is pending against the school committee in Hampden County Superior Court in Springfield.

Hicks, in an interview Monday, said he is not turned off by the problems. Rather, he said he



Ralph E. Hicks

views them and the entire job as a challenge. The chance to head a special education program nearly triple the size of Athol and the Athol-Royalston district where he formerly was special education director, is one of the major attractions here, according to Hicks.

By becoming special education director here, Hicks has taken control over a program with 65 staff members and approximately 700 special education pupils. There were 24 staff members and just under 300 special education children in Athol, Hicks said.

Although he has been on the job for just one day — and he spent most of the time meeting school personnel — Hicks said he believes he may have the

answers to some of the school department's woes.

One answer is a special education collaborative — Hicks said having Chicopee either join an existing collaborative or establishing a new one is his number one priority.

Another answer is 94-142, a federal law enacted this year by Congress which calls for federal special education funds to be distributed to all 50 states starting in fiscal 1978.

A third answer is the establishment of a formal Parents Advisory Council for Chapter 766 consisting of parents who have special needs children.

The fourth answer is the creation of additional programs in the school system with an aim at establishing a program for preschool children between the ages of three and five by September 1977.

## Big Answer

Based on his experience with the Athol-Royalston area collaborative, Hicks said he believes such a format "is one of the biggest answers in terms of saving cities and towns money."

Between establishment of a collaborative and programs in the school system, Hicks said there should only be a small percentage of out-of-district placements.

"You're always going to have

a small percentage of instances where a person needs such special care and treatment that they'll need placement in either a private school or residential home," Hicks said.

But his aim is to weed-out those cases and have the city's other special needs persons receive an education in the local school system or through an area collaborative.

Hicks stressed that while reducing costs is the major plus for local and collaborative programs, there also are educational advantages to such a system. Hicks referred to a number of cases where there are "fat-cats" who serve as directors of private or residential schools. Hicks said in some cases the headmasters serve as "absentee" directors.

"By having communities sharing common problems and sharing the costs, you know special education personnel in the school system or in a collaborative will be concerned with education," Hicks said.

Hicks also envisioned that within eight to 10 years, collaboratives will also set-up residential centers for persons who need intensive, 24-hour care.

While Hicks said "the state legislature missed the boat" on the financial end of special

education, he feels help is on the way in the form of a law enacted by the 94th Congress this year.

Beginning July 1, 1977, the state will receive federal special education funds under 94-142.

For each special education pupil the state will receive \$85 with \$60 going directly to local cities and towns for each one of its special education children. In fiscal 1979 the allocation will jump to approximately \$120 and in fiscal 1980 to \$180, according to Hicks.

## Innovative Programs

"For the first three years cities and towns will be required to spend the funds on new, innovative programs such as a preschool program here. But many educators and state officials feel that starting in fiscal 1981 the federal government will provide funds which can be spent for any special education program," Hicks said.

He called the new law the first "positive" change in special education since the state measure was enacted three years ago.

"I do not know any person who says Chapter 766 is a bad law. But everyone says it is an expensive law and cities and towns need some funding help," Hicks said.

Hicks said he feels the law can become workable in the school system here despite its costs. More than \$800,000 was allocated for special education last year and nearly \$1.1 million is appropriated this year. While the Athol - Royalston special education program is approximately one-third of Chicopee's, Hicks said the budget for Athol and the regional collaborative is \$235,000 for this year.

Hicks said it will take him at least a week during which time he will review each special education case here, before he can determine if the school system is using its funds efficiently and to the maximum.

Hicks said he was not dodging the question. "I want to answer that question. I think it must be answered. But I need at least a week to see what programs and

Please turn to page 29

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## School department audit uncovers eighteen non-compliance issues

2-16-77  
CHICOPEE — Eighteen Chapter 766 non-compliance issues exist in the school department, according to a program audit conducted by the Division of Special Education of the state Dept. of Education.

The final audit report issued this week is based on a Chapter 766 program audit conducted in the school system Dec. 13 to 16. The audit was made by a 21-member team of education officials from the state and area communities.

Purposes of the program audit, according to the report, were to verify the annual Chapter 766 implementation plan required by the Division of Special Education and to monitor the school district's compliance with Chapter 766 regulations.

Ralph E. Hicks, who was named special education director here in December, declined to comment on the report until he meets with the school committee. The state requires the school committee to submit a written response to the audit report within one month of the receipt of the final program audit report.

The final audit report contains 18 of the 19 non-compliance areas listed in the preliminary report issued Dec. 28. The non-compliance issue dropped was a citation for failure to perform screening of children, ages three and four, for the 1976-77 school year, including the non-English speaking student.

Non-compliance issues listed in both the preliminary and final audit reports are as follows: no substantiation that an in-service program for school bus drivers was held this school year to address general training and the needs of specific children; no record was found of unannounced vehicle inspections carried out on at least a monthly basis; failure to complete the kindergarten assessment on or before Oct. 31, 1976; absence of on-going assessment for late arriving kindergarten students, including the non-English speaking student; certain special education staff are without appropriate state Dept. of Education approval in their area of specialization; and not all receiving teachers, especially regular class teachers, participate in the development of education plans in the core evaluation process.

Also, administrative instructions were given to specific staff not to sign educational plans that may cost money which resulted from an obvious lack of support from the school committee in the professional judgement of the Core Evaluation

Team members during the educational planning process; students who potentially exhibit the need for substantial services at the high schools are not, by administrative decree, recommended for a core evaluation; and specific services and materials indicated in educational plans are not being provided.

Also, the time elapsed from date of referral to development of an education plan is beyond the 30-day period mandated by 766 regulations; no reference made to pre-evaluation conferences being held; no assessments, including medical evaluation of certain special need cases; a lack of full-core evaluation required for children in some special education programs; lack of appropriate participants in the core evaluation process; no quarterly reports or annual review in some instances; educational plans are without appropriate signatures; delays between parental acceptance of educational plans and the provision of services to children because of school committee policy requiring approval; and the age range of students in substantially separate rooms exceed the 36-month limit mandated by Chapter 766.

# School Board Set to Correct Chap. 766 Non-Compliances

14/22/77

CHICOPEE — A recent Chapter 766 state audit report, listing 18 non-compliances of the state's special education law by the School Department will be the main topic at the School Committee meeting next week, Chairman Russell E. Campbell said today.

According to Campbell, Special Education Director Ralph Hicks is currently preparing a report on the corrections made within the department since the preliminary audit findings were released last month.

"If his report is completed a spe-

cial meeting will be called," Campbell said. "If not, the audit findings will be up for discussion and corrective actions at the March 2 regular committee meeting."

The final report on the audit was released last week, citing the non-compliances as well as numerous "problems areas" and called for immediate corrective action by the School Committee."

Reportedly several non-compliance issues have already been corrected since the release of the preliminary findings.

The audit was conducted by a team of evaluators by the state Department of Education's Bureau of Program Audit and Assistance which is conducting audits in all communities throughout the state.

The purpose of the audit is to verify implementation of Chapter 766 programs and monitor school district's compliance with its regulations.

The School Department is required to report back to the state within 30 days on the progress being made to correct non-compliances.

**LETTERS TO THE EDITOR**

2/24/77

Editor, Herald:

The Chicopee Public School System is slowly but surely sinking, at a rate so fast that it is hard to keep up with the everyday current events. I sincerely hope that parents of Chicopee realize that the situation is very critical and as days go by things get worse and worse. I would hope before it is too late that we start questioning why year after year we are faced with deficits.

The goal of the School

Committee should be quality education, but they are defeating that purpose by wildly laying off teachers. Instead of examining their educational programs to see what beneficial changes could be made that could save money, they are frantically making senseless moves to save face before the public.

Some 100 teachers received their notices that they may be laid off this September. If 47 of those 100

are laid off, classroom size will increase so that the child getting that bit of extra help will no longer get that attention. The goal in past years was to reduce the size of the classroom, and here in Chicopee we are doing just the opposite.

Mrs. Marjorie Wojcik  
Chairman  
Chicopee Parents  
Advisory Council

**IN MEMORIAM**

On Death of Education

in Chicopee Public Schools

On Feb. 17, 1977, 100 school personnel were notified by Dr. John Luke that they were fired by the Chicopee School Committee.

It is to the children and taxpayers of Chicopee that we express our sincerest regrets.

Those interested may pay their respects by stopping by at 180 Broadway St., Chicopee Falls on Wednesday, March 2, 1977. Visiting hours will be from 7:30 p.m. until ?

C.F.T. Local 2416  
A.F.I.-C.I.O.

# Strategies being formulated in special education battle

3-2-77

**CHICOPEE** — The school committee is back on offense today in what has become a volleyball game among city officials over special education.

As the school committee, the board of aldermen and the mayor plan their strategies, nine special education children are sitting on the sidelines — having been banned from attending school until a tuition bill is paid — and the state Dept. of Education is threatening to withhold \$5 million in state aid.

#### They Lost

The school committee went back to the drawing board today, having lost Tuesday's night match with the aldermen and

Mayor Howard W. Redfern Jr.

Redfern rejected the school committee's request for a \$217,000 appropriation of municipal funds to cover a projected deficit in the fiscal 1977 special education account and he pointed to areas in the regular school budget where the needed funds could be taken.

#### Advice

School committee chairman Russell Campbell said this morning he planned to contact the state Board of Education to seek advice on what the committee should do to resolve its dilemma over special education.

The committee has two options, both apparently illegal, ac-

coring to Campbell. He said the committee can either continue to provide special education services and knowingly incur a deficit which would violate Chapter 44, Section 31 of the Mass. General Laws, or it can refuse to provide special education services which would violate Chapter 766 — the state law which mandates school committees to provide for the education of all persons with special needs between the ages of three and 21.

#### Services

Besides seeking advice on this issue, Campbell said he would meet today with special education director Ralph E. Hicks to determine what can be done to provide services for the nine special education students taken from the Osborn School in West Springfield this week. The director of the school has refused to allow the children to attend the school until an \$11,490 tuition bill is paid.

Campbell also said the committee would have the school administration review its regular fiscal 1977 budget accounts to determine if there are funds that may be transferred to cover the special education bills.

#### Surplus Funds

The latter item was the major reason cited by the mayor Tuesday night for his refusal to provide additional funds to the school committee. Redfern said the committee has balances in its regular budget accounts, which could be used to cover the fund shortage in special education.

Citing a Feb. 25 school department monthly statement of accounts, Redfern said funds could be taken from surpluses in such regular accounts as repairs, furniture and equipment, special maintenance and outside travel plus special education accounts for day camp and the Area Mental Health Center.

While Campbell said the committee would review the mayor's suggestion, he was not optimistic that the areas cited by Redfern contain balances.

#### Skinning It

"We're skinning the goat to stay within our budget. We know we're operating with a deficit budget and we're trying our damndest to live within it," Campbell said.

Mrs. Marge Wojcik, head of the Chicopee Chapter 766 Parents Council, today urged the committee to study whether or not funds are available in regular budget accounts.

In the meantime, Mrs. Wojcik said the Council is urging its lawyer, Atty. Donald Graham of Springfield, to push for a court session on a pending suit against the school committee. In the class action suit, filed in Hampden County Superior Court last November, the Council is seeking to have the court rule that the school committee is not complying with Chapter 766.

#### Pussyfooting

Mrs. Wojcik also attacked the state Dept. of Education for what she called "Pussyfooting around" over forcing the school committee to comply with Chapter 766.

"Part of the fault for this drastic situation which has reached the point of forcing kids out of school is the state Dept. of Education's failure to enforce Chapter 766. Its been more than a year since the committee was first cited for non-compliance and still the state has not taken any action," she said.

Added fuel to the Council's case is a recently-released Chapter 766 state audit, which showed the school department was in non-compliance with special education regulations, said Mrs. Wojcik.

#### Bitter

The mayor's public statement that he would deny the com-

mittee's request for funds issued before he met with the school committee and a decision by aldermanic president Thaddeus Drewniak to end Tuesday night's special meeting in the middle of the session, left several school officials, especially Hicks, bitter.

Hicks Tuesday night pleaded for the mayor and aldermen to provide funds so the special education children could remain in school.

At one point during the session, Hicks, upset over constant bickering, said, "If this is the way Chicopee wants to treat its kids, I feel like I don't want to work or live here." But Hicks, who was named special education director in December and is working with a budget formed before he assumed the post, said this morning he did not plan to resign and would "stick it out" to the end of the fiscal year when his own budget becomes effective.

According to Hicks, the state Dept. of Education has been kept informed of the situation here over special education and he has been asked to provide a status report to the state by Friday.

#### Penalties

Hicks said he interpreted a recent letter from Rhoda E. Schneider, Esq. of the legal office of the state Dept. of Education to mean that the state Attorney General's office may either seek an injunction or a court order to force the city to comply with Chapter 766. It also said the state would withhold all Chapter 70 and Chapter 766, funds for fiscal 1978, estimated to be \$5 million.

In her letter, Schneider stated, in part, "The penalties for a school committee's non-compliance with statutes and regulations governing special education include referral of such cases to the attorney general for appropriate legal action."

Both the mayor and some aldermen and school committee members have said they favor forcing a court showdown with the state over Chapter 766. Ward 3 aldermen Raymond Sawyer Tuesday night said, "I feel the city should fight this in court. Since the state transferred the burden to us, it should fund it."

Other aldermen said they opposed the committee's request on the grounds that the city again would bail the committee out of financial trouble. Last year \$90,000 in municipal funds were used to erase a school deficit while this year the city was forced to finance the school rental program.

## Chapter 766 Backlogs No Longer Exist

By RAY CORMIER

Area school systems, with only a couple of exceptions, are not facing backlogs in coring special needs youngsters as the 1976-77 school year opens.

As Chapter 766, the controversial special education law, enters its third year of implementation, the area special education directors are unanimous in proclaiming the law has brought special services to more children than ever before.

The controversial part of Chapter 766 from the start has been money and another universal point about this third year of

the law's life is that each community, except the smallest, have had to make hefty increases in their special education budgets.

In Holyoke the increase is 41 per cent, a \$350,000 jump to \$1.1 million, according to special services director James C. McDonnell Jr. The increase in Holyoke's special education budget is second in the area only to the City of Chicopee's, where an additional \$396,096 increases the budget to just about the same size as Holyoke's, \$1,092,945.

### The Suburbs

But the story is basically the same in the suburbs with increases of about 15 per cent in most communities. Only the little town of Southamton, part of the Hampshire Regional School district, had an increase of less than 10 per cent in their special education budget. There an additional \$2,814 pushed the budget to over \$41,500, a seven per cent jump.

However, the area directors speak most eloquently of the law in terms of people working with people.

Most of the money goes into staffing, hiring professionals to

man resource rooms in the schools or give speech and hearing therapy or teach severely handicapped children the basic skills of civilization.

One of the most important tasks the law mandates is that of coring or identifying youngsters with special needs and creating appropriate special programs for each child.

Only two local communities have any kind of backlog in coring the students and the directors in those systems said this week the backlog is "not large."

### Small Backlogs

In Chicopee, Barbara Gregory said there were some cases that had been started and not yet complete. She said she anticipated their completion soon into the school year.

Easthampton's director of special education, Donald Welch, said the problem had improved greatly over a year ago with less than 10 students remain to be cored for the coming school year.

All the other communities contacted by the T-T — South Hadley, Granby, Belchertown, and the Hampshire regional district, reported no coring backlogs.

Many of the communities reported they had slightly enlarged their special education staffs.

Chicopee, faced with massive financial problems, is adding a resource room teacher in Litwin School, Gregory said. There, 62 full-time staffers handle special education, which suffers from the renovations being done at the two high schools.

### Holyoke's Staff

In Holyoke, more than 70 professionals work full- and part-time on special education for 12,000 students — 2000 or so more than in Chicopee.

Holyoke is adding five full-time professionals to its staff and undertaking a "major expansion of at the secondary level." McDonnell said a full-time career program, a doubling

of special education programs at the junior high level, and a sheltered workshop to teach practical skills for handicapped students are programs being initiated this year.

The suburbs also will see an expansion of staffs, albeit not drastic. South Hadley is adding the equivalent of 1-1/2 full-time persons, Dr. Julia Leonard said. They include a half-time speech therapist and a resource room teacher at the Intermediate School, the latter of whom it is expected "will meet a very important need."

Granby school superintendent Arthur Chace said his system was appointing a half-time social worker to treat a "lack in areas of severe emotional, behavioral problems."

### Easthampton's Staff

In Easthampton, however, Welch said the school department might hire one or two new personnel during the year. The system already is adding a special consultant in the high school.

In neighboring Southamton, the Hampshire Regional District Special Education director is Robert Johnson, newly appointed and admittedly somewhat unfamiliar with the district.

"My impression is that there are no needs in need of attention," in any of the six towns in the region, he said. He said Southamton special education needs were being served by six professionals in the town's elementary school.

Out in Belchertown, Mary Avery said some of the town's potential problems with Chapter 766 had been eased through enrollment of some town residents in Pathfinder Regional High School. Pathfinder offers programs that compliment the home-grown ones Avery oversees.

She said one new staff member was being added this year for a total of 12 full-time

and eight part-time professionals.

In discussing the success of Chapter 766 in reaching its goal of expanding special education to all who desire it, only one official had less than enthusiastic words for the law.

Welch in Easthampton said while the law brought about "better services for the kids" and "it is working, no question about it," he also said he felt paperwork and meetings were decreasing the amount of time professionals had to spend with the children.

The general consensus of the area directors though is that the area schools have grown with Chapter 766 "gracefully" and that the concentration in the various areas of special education is bearing fruit.

Cites City's Financial Situation

# Mayor Opposes Rehiring School Supt.

11/1/76

CHICOPEE — Mayor Howard W. Redfern Jr. today recommended that the school committee not rehire school superintendent John M. Luke when his contract expires in July, 1977.

The termination of Luke's contract as superintendent is the first step towards restoring fiscal responsibility to the school department, Redfern said this morning.

It has been rumored that the committee will vote at its regular meeting Wednesday night whether or not to renew Luke's contract.

The mayor said the basis of his remarks was the "financial chaos the city went through from last January to June on the school financial crisis."

"I found that during those entire six months, Dr. Luke offered absolutely no positive input. Most of the time I found that he was not even knowledgeable of the school debt or how it was incurred," Redfern said.

He added, "The first step in

restoring fiscal responsibility to the school department is the school committee's vote not to rehire Luke as school superintendent."

"No Hope"  
According to Redfern, "there is no hope" for improvements in the school department as long as Luke remains superintendent.

"He (Luke) is ruining the school department financially and, in turn, is ruining the city financially. The morale of school personnel is at an all-time low while the school budget is at an all-time high," added Redfern.

"I don't see any hope for improving the situation. Apparently the superintendent has no grasp of the matter. There are already reports that the school budget will be in the red from \$500,000 to \$800,000 this year. I don't see how the taxpayers can absorb another \$8 to \$10 hike in the tax rate next year just to cover another school deficit," the mayor said.

The mayor, however, pointed out that he is "powerless" to make any changes in the school

department, rather, that responsibility rests with the school committee.

"I can only make a recommendation, it is up to the school committee to make the final decision as to whether or not they want to retain or remove Luke," Redfern said.

Redfern, who has criticized both Luke and school business manager John Caulfield since he assumed office last January, noted that Caulfield is to submit his letter of resignation at Wednesday's meeting.

Caulfield last month told the committee he would retire, effective this Dec. 31.

**Attributes Tax Hike**  
In announcing the record \$65 increase in the tax rate last week, Redfern attributed nearly 50 percent of the hike to the school department. Part of the increase was a result of the city's use of \$1 million in surplus fiscal 1976 funds to cover last year's school deficit, he said.

The fiscal 1977 tax rate which was set last Friday at \$220 per \$1,000 assessed valuation does

not include \$131,184 in raises to municipal laborers which the board of aldermen approved at a special meeting Saturday morning.

The mayor said the orders are "null and void" since they call for funds to be raised in the fiscal 1977 tax levy. The mayor noted that they were not valid since they were approved after the tax rate was established.

Redfern had submitted the orders covering a \$12 across-the-board raise for laborers at the Oct. 25 aldermanic meeting. At that time the orders were tabled. In addition, the aldermen defeated a \$120,000 order to cover raises for municipal clerks and administrators.

**Kill Raises**  
At its Saturday meeting, the aldermen unanimously defeated appropriations totaling \$409 to cover salary hikes for the building commissioner and city messenger.

The aldermen were to hold a special meeting Thursday night to vote on the orders but Redfern ruled that only the mayor could

call a special meeting and that, according to the state open meeting law, notice of the meeting must be posted 48 hours in advance of the session, making Saturday the earliest day a meeting could be held.

Ward 6 alderman Mary Anne Minor opposed all orders.

Casting favorable votes were aldermanic president Thaddeus Drewniak, Ward 1 alderman John Pappas, aldermen-at-large John Joseph Urdzela, Vera Lafluer, Ward 2 alderman John Moylan, Ward 3 alderman Raymond Sawyer, Ward 5 alderman Alfred Allen, Ward 7 alderman Karl Gawron, Ward 8 alderman Joseph Muscaro and Ward 9 alderman William Miles.

Aldermen-at-large Lucille G. Ouimette and Paul J. Demears were absent.

11-2-76

# Redfern, Luke Swap Accusations, Retorts

CHICOPEE — Mayor Howard W. Redfern Jr. and school superintendent John M. Luke today exchanged accusations following the mayor's statement Monday that the school committee should not rehire Luke when his contract expires.

Luke, in a prepared statement released this morning, called the mayor's remarks "cheap political shots" and accused Redfern of making him (Luke) a "scapegoat" for the record \$65 increase in the tax rate.

Redfern, meanwhile, said "Observation of the school department two years ago before Luke was hired and the operation of the school department now, speaks for the superintendent's incompetence."

According to Luke, the mayor "is barking up the wrong tree" by attempting to put the blame for rising expenditures in the school department "on my shoulder."

"I can appreciate the concern of the mayor and of the local taxpayer when the tax rate increases \$65 per \$1,000 of valuation. I do not appreciate and I will not remain silent while Mayor Redfern is trying to use me as a scapegoat for rising municipal expenditures," Luke said.

#### Carry Out Policy

He added, "I would like to remind Mayor Redfern that my job is to carry out policy, not make it. I do not establish or approve the budget, nor can I authorize expenditures. I must work with the funds that are available and if mayor Redfern wants to take the matter up with the school committee, it's his prerogative."

Redfern, on the other hand, said "Luke's comments show that he does not understand the mechanics or operation of the school department."

"The superintendent is being paid to give professional input to

the school committee. He was supposedly hired for his expertise. If he is simply going to carry notes and messages, then the school committee could just hire a mailboy," added Redfern.

The mayor continued to point to the school department's financial crisis during the past year as the basis for his recommendation that Luke not be rehired when his contract expires next July. The school committee is expected to vote on the matter Wednesday night.

"The \$2.2 million school deficit in fiscal 1976 which was a result of the teachers' escrow account and excessive school spending was a first in the city's history and came while Luke was superintendent," Redfern said.

#### Attended Meetings

"During the time of the crisis, I attended school committee meetings and Luke did not know what was going on within the school department and was far off his estimate of the projected deficit," the mayor added.

Luke, however, maintained that the mayor was using him as a scapegoat. "I do not appreciate the mayor's scapegoat approach and I would suggest he take his cheap political shots and use them on his political peers who may be deserving, or those who are threatening his political."

He added, "The superintendent has no authority to vote approval of a budget, to authorize the city purchasing department to go for bids, nor to approve the purchase of any item."

"Furthermore, he cannot vote pay adjustments, has no authority in contract negotiations with school department employes, is solely the chief administrator officer of the school department, obligated to carry out the mandate of the school committee."

Dec 14 1976

# Chicopee Ousts Head Of Schools

By NANCY PRAJZNER

CHICOPEE — The school committee Wednesday night voted not to rehire school superintendent John M. Luke when his contract expires in July and accepted the retirement of school business manager John Caulfield, effective this Dec. 31 — two moves chairman Robert J. Richards called "primary steps for improving the school system."

On a motion by at-large member Kenneth Lemanski, the committee voted 7 to 4 not to rehire Luke, whose three-year contract expires July 7.

The action marks the first time in the city's history that a school superintendent has left not of his own volition (retirement or resignation).

The committee unanimously voted to accept a statement of intent to retire from Caulfield. The retirement is effective this Dec. 31.

#### Vote

Voting in favor of the motion not to rehire Luke were Richards, Robert Berger, Walter Giera, Alvin Casselin,

Rose Lesik, Helen O'Connell and Lemanski. Opposed were Russell Campbell, George Fredette, Henry Midura and Aldea Paul.

Wednesday night's action marked the fourth time since Luke was hired that the committee had attempted to oust the superintendent. The most recent effort was this past May when Lemanski moved that Luke's contract not be renewed. The motion lost on a 7 to 4 vote with only Lemanski, Giera, O'Connell and Richards voting in favor.

Luke this morning said he would remain on the job and serve the remainder of his term as superintendent.

"I intend to fulfill my responsibilities until the last day I am here," Luke said.

He added that he does not foresee having any problems in running the school system over the next eight months in spite of the ouster vote.

#### Shouting Match

Unlike previous meetings at which debates on Luke's removal developed into shouting

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## ★ Luke

Continued From Page One

matches among members, Wednesday's meeting was marked by a subdued, but tense atmosphere. Only Luke's defenders — Midura, Campbell and Fredette — talked at any length on the motion.

Midura questioned Lemanski as to whether the move was made because of Mayor Howard W. Redfern Jr.'s accusations that the school department is responsible for \$27 of the record \$65 hike in the tax rate.

"We read in the newspapers that the school committee is responsible for \$27 of the increase. Nowhere do we read that the mayor is responsible for the other \$38," Midura said.

He also criticized Redfern for his failure to attend Wednesday night's meeting in light of his (Redfern's) recommendation earlier in the week that Luke not be rehired. "I would think the accuser would at least have the guts to face the accused," added Midura.

Campbell said Luke has "gone through hell" since he became superintendent. "Dr. Luke did not have a chance. Right from the start he was fighting the school committee as a political machine," he said.

According to Campbell, Luke inherited problems caused by the school committee and the financial reports from the business manager. "The problems were not his (Luke's) doing."

Fredette echoed Campbell's remarks, saying the blame for the school problems is not the superintendent's. "The blame is on the school committee for not doing its job. When members say they have six votes to oust the superintendent when I think it is collusion with the mayor's office to appoint one of their own stooges to the position," Fredette said.

#### Opposition

Lemanski, who noted that he has been opposed to Luke since he was hired two years ago, said that the move was made at this time to allow the superintendent time to obtain gainful employment elsewhere before his contract expires.

The school department's financial crisis which resulted in a \$1 million deficit during the past year was one of the primary reasons for the move not to rehire Luke, according to committee members who supported the motion.

Berger, who continuously opposed previous attempts to oust Luke said this morning he changed his position because "I recognize the fact that the superintendent has never been completely accepted by the community. It is unfortunate for him (Luke) and the school system."

Both Berger and Richards said they do not expect any major problems over the next eight months while Luke serves as a "lame duck" superintendent.

Richards said, "I think this is the primary step for improving the system." He added that he felt the committee would be able to accomplish one major task — preparing a fiscal 1978 school budget — over the next few months despite the situation.

Another move to clean house in the school administration was made when the committee accepted Caulfield's letter of retirement. Caulfield also came under fire during the past two years by committee members who blamed him for many of the school financial problems.

The committee voted in July to eliminate the post of business manager but later postponed the action indefinitely when it was informed that Caulfield had cancer of the mouth.

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11-6-76

# Luke Charges Mayor Withheld Some Facts

CHICOPEE — Saying he would no longer “remain a low profile administrator,” school superintendent John M. Luke today said Mayor Howard W. Redfern Jr.’s administration has “seemingly withheld” all the facts concerning the 1976-77 tax rate.

Luke’s comments follow a vote by the school committee Wednesday night not to rehire the superintendent when his three-year contract expires July 7. On Monday Redfern recommended that the committee not rehire Luke, while rapping the superintendent’s handling of school finances. Last year the school department incurred a \$1 million deficit.

In his prepared statement, Luke questioned whether there is a “cover-up” by the mayor in regards to the fiscal 1977 tax rate which was established last week at a record \$220 per \$1000 assessed valuation.

“No longer can I remain silent, especially in the face of wrongful accusations,” Luke said.

Luke, who said he chose to adopt a low profile position when he became superintendent two years ago, said “I realize now that this approach was a monumental error.”

“Now I am faced with a new reality and I want to insure that the public, too, is aware of these realities,” added Luke who noted that “an abrasive political atmosphere prevailed here almost continuously.”

Luke said, “The mayor’s administration has

seemingly withheld from you all the facts, the truth, concerning the 1976-77 tax rate. We are being denied. Is this in fact a cover-up?”

“Since they have created a \$220 tax rate, they have frantically accused almost everyone for this astronomical increase including the state and the school department. Yet, he (Redfern) fails to mention the budget is his creation.

“Only the mayor can appropriate monies. Only he is the yes or no man in the formulation of the budget before submission to the board of aldermen, and the board of aldermen can only cut the mayor’s budget, but never add to it.”

“The school committee, with its autonomous powers, also has budgetary control like that of the mayor. Hence, it is inconceivable that the superintendent of schools, who is the secretary to the school committee, can be responsible for the passage of the school department’s portion of the municipal budget.

“Where then does the truth behind the creation of this \$220 tax rate really lie? Is this, in fact, a cover-up?”

“Not only am I entitled to some honest answers, instead of accusations, but the taxpayers of Chicopee, who are being asked to foot the bill for this mismanagement are also entitled to the truth. As long as I serve as superintendent, I will not remain silent until the public is given an honest, forthright justification instead of just smokescreens.”

# Special Education Director Hired

CHICOPEE — Ralph E. Hicks, a native of this city who is presently serving as special needs administrator in Athol, has been appointed special education director for the public school system here.

The school committee at a special meeting Wednesday night unanimously appointed Hicks as special education director on the recommendation of school superintendent John M. Luke. Hicks replaces Barbara Gregory who served as acting director for the past year and was not a candidate for the permanent post.

Hicks was one of seven applicants for the job which will pay \$19,995 annually — which is the same pay scale for all directors in the school system, according to school committee

chairman Robert Richards.

In his current post as special needs administrator for Athol public schools and the Athol-Royalston Regional School District, Hicks oversees a special needs program consisting of 325 children and 24 full-time and part-time special needs staff members in a school district with 2,500 pupils. In his new position, Hicks will oversee a \$1.2 million special education program consisting of 700 special needs children and 62 staff members in a school system with approximately 10,000 pupils.

The 30-year-old Hicks, who resides in Spencer where he is chairman of that town's school committee, is a graduate of David Prouty High School in Spencer. He received a

bachelor's degree from North Adams State College in 1968 and a master's degree from Worcester State College in 1973.

Hicks also completed several advanced graduate study courses at Assumption College in Worcester and UMass. He received state certification as administrator of special education on Sept. 1, 1974.

From 1968 to 1972, Hicks served as an elementary teacher at St. Joseph's School in Webster. Hicks also was employed as a teacher, guidance counselor and school psychologist in the Athol public school system from 1972 to 1974 before he was named special needs administrator for that school system in 1974 — a post he currently holds.

He also served as chairman of Athol's Core Evaluation Team which handles Chapter 766

evaluations.

Hicks will be taking over a program which ran in the red more than \$400,000 in fiscal 1976 and a preliminary report on projected fiscal 1977 expenses indicates a \$200,000 deficit may be incurred in out-of-district placements and transportation by June 30, 1977.

In addition to the program's financial problems, the school department was cited by the regional office of the state Dept. of Education this past July for non-compliance with Chapter 766 while a class-action suit by the Chicopee Parents Advisory Council is pending against the school department. The suit, seeking to have school officials ordered to comply with Chapter 766, was filed in Hampden County Superior Court Nov. 2.

Nov 18 - 1976

*For special education bills*

Mar. 2 1977  
**Board okays transfers**

CHICOPEE — The school committee Wednesday night approved \$73,000 in transfers to cover January and February special education bills which will allow nine special education children to return to a private school in West Springfield.

Tuesday, Mayor Howard W. Redfern Jr. had rejected the committee's request to have \$217,000 in municipal funds appropriated to cover a projected deficit in the fiscal 1977 special education budget.

The action Wednesday night temporarily delayed the pro-

jected fund shortage. According to special education director Ralph E. Hicks, the out-of-district placement account will "be broke" in March and the school department will need at least \$200,000 to cover bills from March to June.

Transfers approved were as follows: \$60,000, teachers' salaries; \$6,000, supplies; \$6,000, psychiatric services; and \$1,000, home tutoring. All the funds were taken from projected surplus accounts in the special education budget.

Hicks said he recommended

the transfers after reviewing the special education accounts with Mrs. Anne Marie Whitley, acting assistant school business manager.

Also okayed by the committee were the January and February special education bills which included a tuition bill from the Osborn School in West Springfield. Nine special education students have not been allowed to attend that school this week, according to Hicks. Last

week the director of the school informed the committee local pupils would not be allowed to attend the Osborn School unless an outstanding \$11,490 bill was paid.

# Campbell Wins Third Term

Holyoke (Mass.) Transcript-Telegram, Thursday, Jan. 6, 1977

## As School Board Chairman

CHICOPEE — The school committee, in a surprise move Wednesday night, elected veteran committeeman Russell Campbell as chairman.

Campbell outpolled Ward 3 committeeman Walter Giera by a 6 to 4 vote. Ward 4 committeeman Alvin Gosselin was elected vice-chairman over at-large member Rose Lesik while Ward 5 committeeman Henry Midura was selected as the committee's representative to city government and as business representative.

Ward 9 committeeman Campbell succeeds Robert Richards who previously announced he would not be a candidate for the chairmanship.

Supporting Campbell were George Fredette, Aldea Paul, Gosselin, Midura, Lesik and Campbell. Voting for Giera were Richards, Robert Berger, Helen O'Connell and Giera. In favor of Lesik's nomination as vice-

chairman were Midura, Richards and Lesik while in support of Gosselin were Campbell, Berger, Fredette, Giera, Gosselin, O'Connell and Paul. Midura was a unanimous choice for both positions he obtained.

It marks the third time Campbell has served as chairman. He held the post in both 1961 and 1971. Campbell presently is in the second year of his ninth term as committeeman.

Campbell, saying after the meeting the election "came as a complete surprise," said he would need time to develop a list of goals he hopes the committee will obtain during the year.

He has been an advocate for a return to the former subcommittee structure which called for several three-member to five-member subcommittees appointed by the chairman. The committee two years ago adopted a new subcommittee policy which calls for three monthly committee - as - a -

### Switch Votes

A T-T poll conducted last Friday indicated that Giera would receive the support of at least six members — the required majority for election. However, two members contacted Friday switched positions Wednesday night and voted for Campbell, reversing the predicted outcome.

Giera supporters had said they favored Giera's ability to remain clear of ties to any political faction. But several members said they would not support Giera because of his absentee record over the last two years. During that time Giera has attended regular monthly meetings but missed a number of subcommittee sessions.

whole meetings.

### Luke Supporter

Unlike Giera, who emerged late last week as a compromise candidate for chairman, Campbell is a staunch supporter of school superintendent John M. Luke. Campbell supported Luke's selection three years ago and has repeatedly backed the superintendent on all school matters. He was one of only four members who voted against a motion passed in November calling for Luke not to be rehired when his contract expires in July.

Campbell caused a mild controversy last month when he asked the committee to endorse an investigation into the "Rising Sun," a group of individuals who Campbell said are forming plans to have certain persons named to key positions in the school administration.

According to Campbell, members of the secret organization include some members of the school committee and school administration. After Campbell declined to reveal the names of "Rising Sun" members, the committee defeated his request for an investigation.

## From 7 To 6

# Reduction In Votes

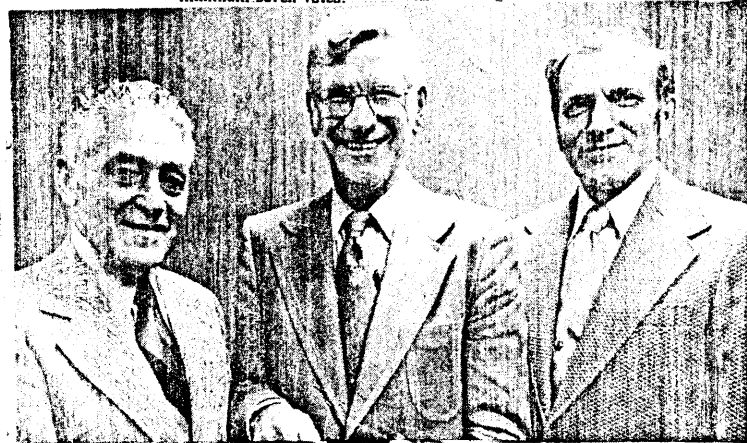
## For Supt. Considered

CHICOPEE — The school committee Wednesday night gave a first reading to a proposal which would reduce from seven to six the number of votes needed to appoint a school superintendent, which, if adopted, would mark the second time in three years the required number of votes would be decreased.

Ward 5 Committeeman Henry Midura submitted the proposal for a change to Chapter 1, Section 7 of the committee's rules and regulations. In accordance with committee rules, no discussion is allowed under a first reading. A second reading will be held at the next regular monthly meeting at which time debate will be permitted.

The proposal follows a Nov. 3 committee vote not to rehire school superintendent John M. Luke when his contract expires in July. The motion was approved by a 7 to 4 vote. According to several sources, a move is underway by some committee members to have Luke reappointed.

A rule change, reducing from eight to seven the number of votes needed to elect a superintendent was passed by the committee in 1974 to open the door for Luke's appointment. At that time the change was sought after none of the four candidates vying for the post could obtain the required two-thirds vote. Following the rule change, Luke was hired as he received the minimum seven votes.



SCHOOL BOARD OFFICERS — Veteran Ward 9 committeeman Russell Campbell was elected chairman of the Chicopee School Committee during the annual reorganization Wednesday night. Campbell was a surprise choice over Ward 3 committeeman Walter Giera on a 6 to 4 vote. From left are Ward 4 committeeman Alvin Gosselin, elected vice chairman; Campbell; and Ward 5 committeeman Henry Midura, reappointed the committee's business representative and representative to city government. (T-T Photo: Suchocki)

# CEA starts staff reduction fight

11/24/77

CHICOPEE — The Chicopee Education Association (CEA) has started its fight to block proposed staff reductions for the 1977-78 school year.

Local teachers met Tuesday afternoon at the Knights of Columbus Hall to review what legal options are available and what procedures must be followed to thwart the pending dismissal of 47 teachers for the next school year.

The school committee has scheduled a special meeting March 29 at which time it will vote on the teacher dismissals. Last week either demotion or dismissal notices were sent to 102 teachers, supervisors and elementary vice principals.

School Supt. John M. Luke said the notices were sent to more than twice the number of staff members scheduled to be dis-

missed so the school department could protect itself in the teacher-bumping process. According to state law, non-tenured teachers, who do not receive a dismissal notice by April 15, are automatically rehired for the following school year, Luke said.

### Hearings

The CEA leadership, which met Tuesday with officials from the Mass. Teachers Association (MTA) to review the proposed staff reductions, Wednesday afternoon urged teachers, who received either demotion or dismissal notices, to forward letters to the school superintendent and school committee chairman Russell Campbell asking that each staff member have a hearing before the school committee as to the reasons for the demotion or job termination. Teachers were urged to in-

form the school committee that they plan to take advantage of all their rights under Chapter 71 of the Mass. General Laws, which covers the dismissal and demotion of teachers.

The letters also would inform the committee that the teachers plan to retain legal counsel and to have witnesses and documentary evidence presented at a dismissal or demotion hearing.

### Be Specific

The sample letters presented to the teachers, read in part, "I find the statements that you provide in your letter not to be in compliance with the statutory requirement that you supply me with a written statement of charges of the cause for which this action is proposed. Consequently, I would request that you provide me with this information as soon as possible. I would re-

quest that this information be specific."

Teachers also were expected to cite the committee for its failure to provide figures that it intends to use in its adjustment of staff to actual and anticipated reductions in student enrollment and the committee's failure to specify how the staff reductions will reduce the "departments' budgetary requirements and promote the efficient utilization of the professional staff within the framework of existing and future educational service."

Non-tenured teachers were requested to seek a hearing before the school committee as to the reasons for their non-reappointment and all teachers were told of their right to review their personnel files and to make copies of such contents and records before a hearing is held on the job terminations.

# School dept. receives \$18,157 grant

CHICOPEE — The school department has received an \$18,157 Title IV-B grant but it has returned a \$16,500 occupational competency grant to the state.

School Supt. John M. Luke an-

nounced this morning that the Title IV-B funds were received under a recently-established new program. Luke said the school department received \$6,600 last year when the program was partially funded.

Now that the program is funded at the 100 per cent level, the city's allocation has increased to \$18,157, he said. The funds can be used to purchase books, equipment and materials. The school

committee, on the recommendation of the school superintendent, Wednesday night voted to return an occupational competency project grant to the state.

Luke said the school department would be required to use the funds only for the salary of a new employee's post to handle the project. Luke said he could not recommend that a new job be created in view of the proposed teacher dismissals for the 1977-78 school year.

# School board approves monies

CHICOPEE — The school committee Wednesday night approved bills and orders totaling nearly \$650,000.

A breakdown of the items approved is as follows: orders,

\$294,715; bills, \$363,439; athletic bills for Chicopee High School, \$1,966; athletic bills for Comprehensive High School, \$2,605; Title I bills, \$776; Title II library bills, \$109; and vocational petty cash, \$47.

The committee also approved the transfer of \$736 from the games receipts from the Chicopee-Comp football game to Comprehensive High School's athletic account.

Also approved were requisitions for the high schools' participation in the New England swim meet at Dartmouth College March 4 and 5. A total of five swimmers and two coaches will attend the meet at a combined cost of \$182.50. The cost was reduced from \$237.50 when the committee voted that the participants adhere to the policy of allowing \$2 for each meal.

# Giera to ask D.A. to submit Luke case to grand jury

CHICOPEE — District Atty. Matthew J. Ryan was to be asked today whether or not there is sufficient information to submit evidence to the grand jury charging that the city reimburse School Supt. John M. Luke for trips in 1974 and 1975 to fulfill his military reserve duty.

Ward 3 school committeeman Walter Giera said this morning he plans to meet with Ryan today and ask whether the district attorney's office will prosecute the case. Giera said he will bring the matter to the attention of the state Atty. General's office if Ryan says there is not sufficient evidence to proceed with the case.

But Giera said "I don't want to go over the DA's head; I'd prefer that he handle the case."

Giera said he would

reintroduce a motion at next Wednesday's school committee meeting calling for the committee to dismiss the superintendent on the basis of the information concerning Luke's alleged misuse of funds to finance trips to Washington, D. C. The committee reviewed Giera's motion in executive session last Wednesday but no action was taken on the matter.

Last Wednesday Giera called for Luke's ouster charging that the superintendent was reimbursed by the city for at least five trips to the federal Dept. of Health, Education and Welfare (HEW) between October 1974 and January 1975. The reimbursement totaled approximately \$4,500. Giera said the trips were made on weekends and he has documented proof that Luke

did not meet with HEW officials on the dates listed. According to Giera, Luke went to Washington to fulfill his Air Force reserve duty.

Luke last week confirmed that he made the trips but he said he did not request the city for reimbursement for expenses incurred for his military reserve duty.

Giera, believing that Wednesday night's meeting would be a regular adjourned meeting, planned to bring the matter up again. But chairman Russell Campbell held just an instruction subcommittee meeting and said an adjourned regular meeting would be held next week.

## Motions to be heard in Chapter 766 case

CHICOPEE — Motions calling for a temporary restraining order ordering the city to provide sufficient funds for Chapter 766 services and placements for local special education pupils are scheduled to be heard Monday in Hampden County Superior Court in Springfield.

According to Mrs. Marjorie Wojcik, president of the Chicopee Parents Advisory Council, which filed the pending class-action suit against the city for non-compliance with Chapter 766, the session is scheduled to begin at 9 a.m. The parents group is represented by Atty. Donald L. Graham of Springfield and Atty. Edward J. Ziemba is the legal counsel for the school committee. The school committee Wednesday night voted to ask city solicitor Michael J. Murphy to become involved in the case.

The request is being made to "stop the city from having any kids thrown out of school," Mrs. Wojcik said.

Nine local special education students, enrolled in the Osborn

School in West Springfield since last fall, have not attended school since Feb. 28. According to Ralph Hicks, school special education director, Osborn officials prohibited the children from attending the school until the school department paid an outstanding \$11,000 tuition bill.

The committee last Wednesday transferred \$73,000 to cover special education bills, including the Osborn School tuition bill, but the children are still not back in school. Warrants for payment of the bill were sent from city hall to school committee chairman Russell Campbell on Wednesday, according to school officials.

Besides payment of the tuition bill, the Osborn School has requested that Campbell sign a contract guaranteeing that the school department will provide funds for costs incurred to the end of the school year, Hicks told the committee Wednesday night.

Mrs. Wojcik said this morning the temporary restraining order, if issued, would assure local parents that the Osborn School situation would not occur again.

### Correction

CHICOPEE — It was incorrectly reported in the T-T March 4 that school committeemen Richard Daviau and George Fredette March 2 voted against a motion to reconsider the dismissal of four non-teaching and one teaching vice-principal in the elementary level for the 1977-78 school year.

Daviau moved for the reconsideration and both he and Fredette voted in favor of the motion.

It was incorrectly reported in the T-T Tuesday that Ward 5 school committeeman Henry Midura was one of the committee members, who inspected a copying machine purchased by the school department.

3-10-77

3-10-77

# CTA favors advertising for Luke's replacement

3/14/77

CHICOPEE — The Chicopee Taxpayers Association (CTA), in a written statement today, favored a recent motion which would allow immediate advertising for a replacement for school superintendent John M. Luke when his contract expires in July.

Ward 3 school committeeman Walter Giera, made the motion and another that the school board meet to take a rollcall vote on Luke's dismissal.

The taxpayers' statement follows.

"After attending all of the school committee budget hearing and all of the regular school committee meetings, the CTA

has taken the position of being in favor of the motion made by school committeeman Walter Giera to immediately begin posting for a replacement for Mr. John Luke when his contract expires in July. We also favor a screening board composed of members of the community, of CTA, Parents-Teacher Organization, Chicopee Education Association and Chicopee Federation of Teachers. We feel that the defeat of the motion to start posting proceedings is a sure indication that the school committee, despite their earlier decision not to rehire Mr. Luke, still intends to rehire him as school superintendent.

"It also shows that the school committee has failed once again in its responsibilities to the taxpayers of Chicopee and to the school system. We urge all CTA members and residents of Chicopee to contact their school committeemen to let them know that the credibility of the school committee is at stake. Unless an experienced and responsible manager is hired as superintendent, confusion, mismanagement, deficit spending and indiscriminate layoffs will continue to be part of the school department policy and this will cause irrevocable damage to our children and to our school system."

Editor, Herald:

A 1975 study found that 23 million Americans aged 16 and over are functionally illiterate. They are unable to read help wanted ads and can't fill out the simplest application forms.

How many children from the Chicopee School System is the School Committee going to add to this total by laying off teachers?

Taxpayers and parents, when are you going to move to help our children in Chicopee, the school committee seems to be having a difficult time. They need your help too!

Mrs. Lois Tetreault  
89 Royal Street  
Chicopee, Mass. 01020

Mar 4 1977

## Better education

Editor, Safety Valve:

Where were you, when the school committee discussed the teacher layoffs in our school system?

Where were you when the school committee voted to rent a Xerox sorter copier for the administration building but voted to curtail any spending of monies for school supplies?

Does your child have a classroom teacher for physical education rather than a person trained especially for this position?

Does your child attend a school with an after-school sports and activities program?

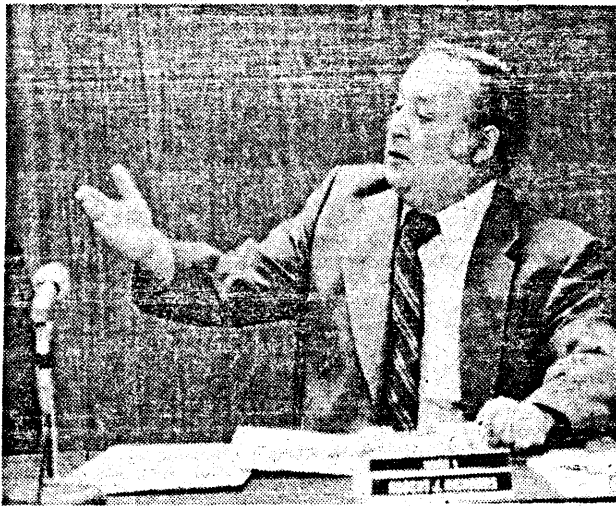
Is your child getting good grades now? Well, celebrate. This fall with fewer teachers and overcrowding, good grades will be replaced with poor grades and more special help referral notices.

Get up and help fight for a better education for your children.

3/24/77  
Lois C. Tetreault  
89 Royal Street  
Chicopee

# Luke Comes Back

*3/31/77*



**THE OPPOSITION** — Ward 1 School Committeeman Robert J. Richards asks for rulings on the hiring of School Supt. John M. Luke for a three-year term. The motion passed unanimously. (Daily News photo by Warren Messenger)



**STARTS OFF** — Alvin A. Gosselin Wednesday introduces a motion to rehire Dr. John M. Luke as school superintendent, a motion which passed 6 to 5. (See story on Page 1)

## Surprise in Chicopee

*9/2/77*

Editor, Safety Valve:

I am writing this letter at 1:00 a.m. (March 3). I have just returned from a Chicopee school committee meeting. The meeting was still going on when I left.

I fail to see how voters can return certain people to their seats year after year. Several meetings ago, the committee voted not to rehire Dr. Luke when his contract expired. At tonight's meeting a proposal was made to start looking for a new superintendent. This is a logical step and could insure a smooth transition for September's opening.

True to form, however, by a vote of 6 to 5, the proposal was defeated. Don't be surprised folks when you see Dr. John Luke rehired by an under-the-table-executive session. Don't be surprised when our children get less and less quality in their education. Don't be surprised when we get hit with another major tax increase because, at this meeting the committee saw

fit to create a new supervisory position.

They also decided to keep other supervisors who were to be eliminated. They did it neatly, you see. They said the supervisors in art, music, phys ed and foreign language would teach four days and supervise one.

Guess what happens on the fifth day? Well, we'll just pay substitutes for their regular classes.

Again they are creating too many chiefs at the expense of not enough Indians, thus creating overcrowded classrooms.

The meetings are now well attended. I wish more people would get out and see their elected representatives at work.

The taxpayers are paying the freight and I hope people will make sure good quality and intelligence gets elected this year.

Mrs. Jean Watson  
148 LaBelle Dr.  
Chicopee



**RULES OKAY** — School Committee Chairman Russell Campbell, foreground, rules the committee was filling the vacancy effective July 8 when it voted 6 to 5 to hire Supt. John M. Luke, rear, for three years.

10-15-76

# School Budget Deficit Feared

CHICOPEE — School Supt. John M. Luke said that despite newly discovered surpluses in several accounts totaling \$232,805, the 1976-77 school budget could still be a deficit one.

Dr. Luke said the surplus results from various measures taken by the School Committee since the start of the new fiscal year.

The furniture and equipment account now has a surplus of \$92,931.

The special education account shows a surplus of \$57,123 in the teachers salary account.

The surplus also includes accounts that have been frozen: driver education, \$3,540; P.M. vocation, \$33,096, purchase of library books, \$23,000.

But, Dr. Luke said, the deficit in the special education overall account is \$160,000.

The budget does not include funding of any settlements of contract negotiations with school administrators, custodians and cafeteria workers.

# Emergency Funds Plea Under Fire

By TED LaBORDE

CHICOPEE — The real pinch of the financial crises in the School Department's special education account will be felt Monday if as expected at least nine special education youngsters are sent home from school.

The School Committee has been informed that the youths, enrolled at the Osborn School in West Springfield, will not be allowed to attend school unless \$11,490 tuition bill is paid.

Special Education Director Ralph Hicks has already projected a \$217,000 deficit in the Chapter 766 account and school officials have scheduled a meeting with Mayor Howard W. Redfern Jr. and the Board of Aldermen to request an additional emergency appropriation.

The joint session is scheduled for Tuesday at 7 p.m. in the aldermanic chambers in City Hall.

Redfern was unavailable for comment today. However he has said he would not provide municipal funds to erase a School Department deficit this year. The city provided more than \$1 million last year to erase a deficit with approximately \$400,000 of that going towards special education.

The Board of Aldermen is also expected to be reluctant to provide additional funds because of last year's crises.

Earlier this month, Redfern commented, "I think it is time for a showdown between the state and the

# Ch. 766 Hits School Budget

(Continued from Page 1)

School Department on Chapter 766 funds."

At least two members of School Committee, George Fredette and Alvin Gosselin, share the mayor's belief. Fredette and Gosselin have criticized the mandatory Chapter 766 program and the state's lack of proper funding.

The committee allocated \$1.09 million for special education this year, with approximately \$70,000 earmarked for tuitions. Chicopee is scheduled to receive \$802,000 in Chapter 766 reimbursements.

Hicks said the projected deficit involves the out-of-district placements and transportation.

Committee Chairman Russell Campbell, noting that at least 10 per cent of the department's budget is spent on special education, said the school budget "is not overexpended as yet but if we continue to spend at the current pace it will be."

The committee has already imposed a freeze on any new programs to avoid a deficit, and Campbell said "we may be forced to stop existing programs as we reach the funding limit."

Campbell said "We are not denying anyone but the penalty under state law is more serious for exceeding our budget than for not complying with Chapter 766."

The chairman said he will check with Hicks to determine if the \$11,490 can be transferred from another area in the special education budget, but warned that the entire school budget is nearing its limit.

According to Redfern, Chicopee is expected to receive between \$300,000 and \$500,000 in additional state education reimbursements from fiscal 1975.

Campbell said he will point out the unexpected funds during Tuesday's meeting and request that those funds be used to offset the School Department's special educational deficit.

"If they (the mayor and aldermen) fail to provide the necessary funding, they can jeopardize the nearly \$5 million in state educational reimbursements anticipated for next year," Campbell said.

2/25/77

*Redfern says*

## State and School Dept. may have showdown

CHICOPEE — Repeating a statement that he would not provide funds to erase a projected special education deficit in the current school budget, Mayor Howard W. Redfern Jr. said today "it's time for a showdown between the state and the school department" on Chapter 766.

Redfern this morning said he would meet with the school committee and board of aldermen to review a projected \$217,000 special education deficit, but the mayor said he would not provide municipal funds to wipe out the shortage.

"The city has given the school department all the special education money it requested and if it has spent more money than the funds in its budget, it's a school committee problem and

not a city problem," Redfern said.

The mayor's comments follow a school committee meeting Wednesday night at which several committee members, School Supt. John M. Luke and special education director Ralph E. Hicks all said that the mayor has a legal and moral obligation to pay the special education bills and that Chapter 766 was a community problem.

Redfern said the committee has two options — either modify its regular programs and transfer funds to special education or withdraw the special education students from private schools and force a showdown with the state Dept. of Education.

"It's time to ask the Dept. of Education and its commissioner

who gave it the authority to have a school committee violate state law by spending money it does not have in its budget," Redfern said.

He added, "I don't think any piece of legislation can demand that a school committee go beyond its budget and incur liabilities in excess of its budget in violation of Chapter 44, Section 31 of the state laws. The school committee should be willing to challenge this issue in court."

# Special education students remain home from school

1/24/77

CHICOPEE — The first effect of the school department's special education financial crisis will occur Monday when nine special education pupils will be forced to stay home from school.

According to special education director Ralph E. Hicks, the school department has been notified that the local pupils enrolled at the Osborn School in West Springfield will not be allowed to attend the school until an outstanding \$11,490 tuition bill is paid.

School committee chairman Russell Campbell, citing the projected \$217,000 deficit in the fiscal 1977 special education budget, said the school department will be unable to provide the funds by Monday. He said the earliest the children could return to school would be Wednesday. Mayor Howard W. Redfern Jr. appropriates municipal funds for the bill.

The committee is scheduled to meet with the mayor and board of aldermen at 7 p.m. Tuesday to review the special education program's financial status. The school committee earlier this month asked the mayor

to request the aldermen to approve an appropriation of municipal funds to cover special education out-of-district tuitions for the rest of the school year.

All special education tuition bills reviewed at Wednesday night's finance subcommittee meeting were approved contingent upon funding from the mayor and aldermen.

Hicks said he feared the situation with the Osborn School children was "just the tip of the iceberg" and the school department may encounter more difficulties in the future unless tuition bills are paid. Sixty local special needs children currently are enrolled in private schools, according to Hicks.

"I'm taking what Mr. Osborn (William Osborn, head of the Osborn School) stated literally. I don't think the kids will be allowed to attend the school Monday. They will be forced to stay home unless we come up with some money," Hicks said.

In a Feb. 22 letter to Campbell, Osborn said the school has not received tuition payments since Nov. 4, 1976 and the school department owes the school

\$11,490. Osborn also said he wrote the chairman a letter Feb. 4 but no action has been taken.

Wednesday night committee members again said the school department has funded the special education program to the best of its ability and now the mayor and aldermen must provide funds to maintain the program.

Redfern has indicated that he will not provide any municipal funds to wipe out the special education deficit. He has said the school committee should challenge the state on the funding of the state-mandated program.

"I'd like to be the first test case to bring the matter to court," said Ward 2 committeeman George Fredette, who said area communities should band together to challenge Chapter 766 special education law.

Repeating a statement made by the mayor last week Ward 8 committeeman Robert Berger said he agreed it was time for a "showdown" with the state over Chapter 766.

Could mean \$16 impact on tax rate

2/15/77

# School committee approves record \$14.5 million budget

CHICOPEE — The school committee Thursday night approved a record \$14.5 million fiscal 1978 school budget, which could have a \$16 impact on next year's tax rate.

The gross \$14,552,790 budget is up \$1.3 million from this year's \$13,252,638 mark and the net budget jumped \$1.6 million from \$12,452,638 to \$14,068,290. A total of \$500,000 in anticipated federal Public Law 874 funds is deducted from the gross budget to reach the net figure.

Based on the formula that each \$100,000 increase represents a \$1 impact on the tax rate, the \$1.6 million hike in funds to be raised by local taxation would lead to a \$16 jump in the fiscal 1978 tax rate.

### Salaries

Increases in salaries and special education represent \$1.2 of the \$1.3 million hike in the gross budget. Salaries are up \$711,374 from \$9,903,374 to \$10,615,109 and special education jumped \$495,259, from \$1,092,945 to \$1,588,204.

The jump in the salaries account was the result of raises the committee granted to various school employe groups. Under current contracts between the committee and Chicopee Education Association, teachers and school administrators will receive a seven and one-half per cent pay hike in fiscal 1978.

### Dismissals

According to assistant school superintendent Miss Sophie J. Chmura, the budget could be reduced by approximately \$285,000 if the committee approves pending teacher dismissals. On the recommendation of the committee's legal counsel and negotiator, the \$285,000 was included in the budget sent to Mayor Howard W. Redfern Jr. today. The mayor can be notified later to decrease the budget by that amount if teachers are dropped at a special meeting scheduled March 29, Miss Chmura said.

General expenses are up from \$1,344,637 to \$1,456,739.

### \$400,000 Trimmed

The committee trimmed \$400,000 from the original \$14.9 million budget requests during 12 budget hearings held over the past four weeks.

It took the committee two votes Thursday to adopt a motion to forward the budget to the mayor and the board of aldermen, designating \$14,068,290 as the sum needed to be raised through local taxation.

Voting in favor on the first attempt were chairman Russell Campbell, Richard Daviau, George Fredette, Alvin Gosselin and Rose Lesik. Opposed were Robert Berger, Walter Giera, Henry Midura, Helen O'Connell and Aldea Paul. Robert Richards was absent. The 5-5 tie vote defeated the motion.

Following a successful vote for reconsideration, the move to forward the budget to the mayor was approved by a 7 to 3 vote. In favor were Campbell, Daviau, Fredette, Gosselin, Mrs. Lesik, Midura and Mrs. Paul. Opposed

were Berger, Giera and Mrs. O'Connell.

### Travel

Berger opposed all six motions made to accept the various salary accounts and Mrs. O'Connell voted against each budget account.

Mrs. O'Connell said she felt more study of the budget was needed and said she is opposed to cutting teachers while adding funds for outside travel.

"I can't see the sense in getting rid of five elementary non-teaching vice-principals and teachers while increasing outside travel. It just doesn't add up to sound educational practices," she said.

### A breakdown of the budget ac-

counts is as follows: administration salaries, \$332,798; teachers' salaries, \$8,752,185; custodians' salaries, \$690,259; salaries for supervisor of attendance, traffic officers, supervisor of food service, school lunch and school lunch clerks, \$357,438; clerical salaries, \$282,429; administration expenses, \$85,101; books and supplies, \$512,592; transportation, \$540,300; tuition, \$29,000.

Also, telephone, gas, electricity and water, \$652,593; miscellaneous, \$128,785; travel and repairs, \$39,304; furniture and equipment, \$66,756; ordinary maintenance, \$247,113; special maintenance, \$48,430; outside travel, \$10,000; Comprehensive High School relocation costs,

\$5,000.

### Reimbursement

Besides the \$500,000 in anticipated P.L. 874 funds (the school department is reimbursed, in part, for providing for the education of military dependents at Westover Air Force Base), school officials predict the city will receive \$4,819,272 in state reimbursement in fiscal 1978. Included in this amount is nearly \$3 million in general aid under Chapter 70 and \$802,329.

The school committee, however, does not receive these funds since they are sent directly to the city's treasury and must be raised through local taxation first.

For Special Education

2/17/77  
**Chicopee Seeks Fund  
To Cover Deficit \$\$\$**

CHICOPEE — The School Committee has called for a special meeting with Mayor Howard W. Redfern Jr. and the Board of Aldermen to obtain additional funding to cover an estimated \$217,000 deficit in the school special education account.

The committee took the action Wednesday night after Special Education Director Ralph Hicks outlined the financial problems in special education funding.

According to Hicks' review of accounts, he has projected an overall deficit of \$271,000, however, some accounts will experience small surpluses amounting to approximately \$55,000 providing a freeze is imposed on existing programs.

The special education transportation account will run short by approximately \$63,000 and out-of-district tuitions will run about \$208,000 in the red.

Hicks' report is \$200,000 less than original deficit estimates released by school officials in December. Hicks assumed his duties as special education director Dec. 20.

School Committee Chairman Russell E. Campbell said he will schedule the special joint meeting "as soon as possible." Campbell said the committee will provide a detailed account of the special education financial problem as well as the seriousness of obtaining the necessary funds to carry out the program mandated by the state's Chapter 766 law.

"If we drop any of our programs we can be cited and all state educational reimbursements can be withheld," he said.

The committee failed to reassign the anticipated fiscal 1978 Chapter 766 state reimbursement in next year's school budget, as was expected.

The committee had intended to list the \$800,000 reimbursement as a reduction, thereby ensuring allocation of the funds directly to the School Department and not city coffers.

However, Campbell was informed this week by Redfern and City Auditor Norman J. Ritchott that Chapter 766 reimbursements and handled in the same manner as Chapter 70, general education reimbursements.

The reimbursements are based on previous year's expenditures and funds earmarked for various programs must first be raised through tax levy before the state reimbursements are made.

D2C  
1977

**Safety Valve**

**Parental involvement**

Editor, Safety Valve:

One of the regulations of Chapter 766 is parent involvement and interest in their child's education program in school. Do parents know what services are available for their child? Is that child receiving the best that the school has to offer for his needs?

Or are the children receiving an alternate program because of lack of funding?

Call Lois Tetreault, 538-9853 between 8 p.m. and 10:30 p.m. daily. We have a lot in common.

Lois C. Tetreault  
20 Myrtle Ave.  
Holyoke

# School Bd., Aldermen Will Air Projected Deficit, Chapter 766

3/11/77

CHICOPEE — The School Committee will keep an appointment with the Board of Aldermen tonight to review school special education accounts and its projected \$230,000 deficit despite a warning by Mayor Howard W. Redfern Jr. that the city will not provide additional aid to the School Department.

Committee Chairman Russell E. Campbell said the 7 p.m. meeting has not been cancelled and that he will be present to explain the problems with special education and the difficulty in estimating a budget for the state mandated Chapter 766 program.

Redfern informed the committee, in a letter Monday night, that additional city funds would not be appropriated to cover the projected deficit.

The abrasive letter, hand delivered to Campbell, strongly attacks the School Committee's spending policies and charges that members accept their responsibility to the city or "step down."

Campbell said he was not able to respond to Redfern's attack at this time, but did charge that the School Committee is "not receiving full credit for the money we're bringing in to the city." Campbell referred to state educational reimbursements and additional Chapter 766 funds being used by the mayor and "not given to the School Department to pay special education expenses."

Campbell also noted that Redfern and the Board of Aldermen were informed last year when the fiscal 1977 school budget was finalized that if a deficit did occur during the year it would be in the area of special education.

"This deficit does not come as a shock to the mayor. It is very difficult to predict the cost of special education services," Campbell said.

The mayor is the only authority which can make spending appropriations and Campbell said "the mayor's

reluctance to provide the emergency appropriation will jeopardize nearly \$5 million in state reimbursements anticipated for fiscal 1978."

"We (School Committee) will live within our budget," Campbell said, "but we won't be able to provide the mandated services and therefore will be cited by the state for non-compliance with Chapter 766."

In his letter to the committee, Redfern said "Homeowners and businesses must not be expected by your committee to continually bail you out of your financially inept proceedings."

"You are charged with the financial care of the schools. Accept it or step down," Redfern wrote.

## School Committee Ignores Chapter 766; Child-Advocate Coalition Marshals Forces

CHICOPEE — For the third time in the past four weeks the school committee has failed to approve 33 special education cases and has continued its apparent non-compliance with Chapter 766.

Thursday's inaction, which was the result of a legal question by some committee members, came despite a calling from the coalition of local child advocate groups for the state to withhold education funds from the city until the matter is resolved.

The coalition, comprised of the Chicopee Parent Advisory Council, the Western Mass. Association for Children with Learning Disabilities and the Holyoke-Chicopee Area Council for Children, maintains that the school system is "in flagrant violation of state law because it has not abided by time frames

and has not funded more than 33 Chapter 766 cases for at least half a year.

The regional office of the state Dept. of Education cited the committee July 12 for non-compliance with the special education law while last Thursday the Regional Advisory Council voted to pursue the citation.

The committee Thursday night was set to review the 33 pending cases but the meeting was adjourned when the committee was informed that state and federal laws prohibit any individual for examining a child's school file without the parents' permission.

The matter was referred to the committee's legal counsel, Atty. Edward J. Ziemia. The committee was scheduled to receive a legal opinion by the end of the

Caouette told the committee that failure to provide the services would force him to notify Dr. Robert Audette, associate commissioner of special education for the state Dept. of Education, with the recommendation that legal action be initiated against the committee.

The state board of education could withhold from the city all state funds until the committee complies with the law, Caouette warned.

Caouette since that time has been transferred to a new position. Officials at the regional education office in Springfield were unavailable this morning to comment on the status of the citation.

Meanwhile the local child advocate groups are pushing for the state to withhold all of the city's anticipated educational

funds. The city is scheduled to receive an estimated \$829,000 in state special education funds and a total of \$3.6 million in overall state educational funds for fiscal 1977.

In a prepared statement issued Thursday afternoon, the coalition said, "Children, particularly special education children, have suffered long enough from the illegal inaction of the school week and hold another meeting Tuesday.

Appearing before the committee last month, Paul Caouette, who was serving as special education regional director at the time, told the committee that the citation would be lifted if the committee approved and carried out the recommendations in the 33 special education cases.

committee and the special education office. We have no choice but to ask the state to withhold the November 20 reimbursement check until five points are resolved."

These are: the immediate provision of programs for the 33 pending special education cases; establishment of a committee comprised of department of education personnel, representatives of each of the coalition's groups and the school department to design a system that insures that time frames are met and educational plans are carried out.

Also, an immediate audit by the regional office of the department of education of the school budget over the past five years, including state and federal reimbursement; an in-depth, training of all school personnel, who make Chapter 766-related decisions; and an agreement that the local special education department and school committee work closely with 766 parents through a Parent Advisory Council with a meeting held monthly for the purpose of monitoring the 766 program.

The Coalition sent letters to both the regional and state department of education, urging that they consider the Chicopee situation so vital that new resources be deployed to finalize legal action against the school system. The coalition has also asked that a meeting be held with state officials within a week to finalize plans and work out methods to implement the citation.

The committee had approved the 33 cases in question last March but they were not carried out because of the lack of funds during the fiscal 1976 school financial crisis.

# State Audit Finds Fault With Chap. 766 Program

2/16/77

CHICOPEE — A state-conducted audit of the School Department's Chapter 766, special education program for the handicapped, has cited 18 areas of

non-compliance with the state law.

The audit was conducted in December and the final report listing problem areas, non-compliances and calling for immediate corrective actions, was released this week.

The School Committee is expected to receive its copy of the results during tonight's special committee meeting, and according to Schools Supt. John M. Luke, corrective actions will be taken as soon as possible.

Several non-compliances have already been corrected since the preliminary

results were released in late December and Special Education Director Ralph Hicks is preparing a progress report for submission to the School Committee, Luke said.

The audit cited non-compliances of in-service training program for drivers; no record of unannounced vehicle inspections on at least a monthly basis; failure to complete kindergarten assessment on or before Oct. 31, 1976; absence of on-going assessment

## Audit Faults Chap. 766 Plan

(Continued from Page 1)

for late arriving kindergarten students, including non-English speaking students; certain special education staff without appropriate Department of Education approval in their areas of specialization and teachers not participating in the development of educational plans in core evaluations.

Also, lack of support from the School Committee in the professional judgment of Core Evaluation Team members; students at the senior high level in need of substantial services are not recommended for core evaluation; specific services and materials indicated in educational plans are not provided; failure to comply with time limit from date of referrals to development of appropriate educational plan; no reference to pre-evaluation conference; no assessments, including medical evaluation, in some cases; lack of full-core evaluation for children in some cases; and lack of appropriate participants in the core evaluation process.

Also, no quarterly reports or annual review in some cases; educational plans are without appropriate signatures; delays between parental acceptance of education plans and the provision of services; and the age range of students in substantially separate classrooms exceeds the mandated 36 months.

Other non-compliances were noted during the Dec. 13-16 audit, but not listed on the final report.

The state education department's Bureau of Program Audit and Assistance is conducting audits in all communities throughout the state.

# Chicopee Transcript-Telegram.

A Section of the Holyoke Daily Transcript-Telegram

## School committeeman to initiate probe into Supt. Luke's use of funds

By NANCY PRAJZNER

CHICOPEE — Ward 3 school committeeman Walter Giera has called for an investigation into the alleged misuse of city funds by school Supt. John M. Luke in an attempt to block a possible move by the school committee to rehire the superintendent.

Giera this morning said he would move at next Wednesday's committee meeting that a special session be called within seven days, at which time evidence would be presented to formulate specific charges for dismissal of the superintendent. Giera made a similar attempt Wednesday night but the matter was referred to executive session where no action was taken.

If the committee fails to act on the proposal, Giera said he would present his evidence to either the district attorney or to the U.S. Atty. General's office. But Giera said he would rather have the school committee act on the issue than go to outside authorities.

### Perjury

Giera said he would attempt to have Luke dismissed on charges of perjury "for misleading city officials and the public" that he (Luke) used city funds to finance trips to the federal Dept. of Health, Education and Welfare (HEW) "when he was actually going to Washington to fulfill his military reserve duty." According to Giera, Luke's statements of ex-

penses filed with the municipal auditing department "are misleading because you assume he (Luke) went to HEW."

Admitting that he had information on the trips since 1975, Giera said he was bringing up the matter at this time because "there is a serious attempt to rehire the superintendent."

"All other avenues to either dismiss or not to rehire the superintendent have been exhausted. I did not want to bring up the matter because it looked like the superintendent would be leaving in July, but now there is a serious attempt under way to bring back the superintendent," Giera said.

### Rejection

Adding fuel to Giera's statement was the committee's rejection of a proposal to begin the process for selecting a new superintendent. The motion was defeated by the committee Wednesday night despite a vote by the committee last Nov. 3 not to rehire Luke when his contract expires this July 7.

Voting against the start of a selection process were chairman Russell Campbell, Richard Daviau, George Fredette, Alvin Gosselin, Henry Midura and Aldea Paul. Opposed were Giera, Robert Berger, Rose Lesik and Helen O'Connell.

Giera also cited the committee's vote last month to reduce from seven to six the number of votes needed to appoint a school superintendent as another indication the committee plans to move that Luke be rehired.

Mayor Howard W. Redfern Jr. today said he would not take any action on the possible investigation into Luke's use of city funds unless information is presented to him and a request is made to his office. He said he would challenge any attempt by the committee to rehire the superintendent without it rescinding the previous motion not to rehire Luke.

### 8 Votes

"I don't think Luke can be rehired legally until the previous order is rescinded and it takes two-thirds or eight votes to rescind a motion," Redfern said.

He further stated, "I'll challenge the chairman of the school committee if he rules that the order must not be rescinded. I also will refuse to sign the payroll for Luke's salary if he is kept on after his termination date if the previous order is not rescinded."

According to Giera, Luke made at least four trips to

Washington, D.C. from the time he was hired in July 1974 to the winter of 1975. Giera said the superintendent left this city on a Friday and returned here on a Sunday on each occasion.

Luke this morning denied all charges leveled by Giera, but said he went to Washington on the dates in question and that he met with HEW officials on Fridays and fulfilled his Air Force Reserve commitments on those weekends.

### Letters

Giera Wednesday night also presented letters from officials at HEW and the office of the Assistant Secretary of Defense in which they stated they met with Luke in June and October 1974 and February 1975 but that the meetings did not occur on either Saturday or Sundays.

In his motion to have the chairman call a special meeting at which time charges for Luke's dismissal may be formed, Giera also asked that Luke be notified that a meeting would be called April 7 at which time a vote on Luke's dismissal would be taken. The mayor, the committee's legal counsel, Atty. Edward J. Ziembra, and city solicitor Michael J. Murphy would be asked to attend the session, according to Giera's motion.

### Second Time

The move to investigate Luke's alleged misuse of city funds marks the second time such a proposal has been sought. In 1975 alderman-at-large Lucille Ouimette, who then was Ward 4 school committeewoman, sought an investigation into Luke's use of funds from a school department Internal Revenue Account, which the Bureau of Accounts of the state Dept. of Corporations and Taxation subsequently ruled was illegal and which was disbanded by the school committee.

At that time, Mrs. Ouimette questioned both Luke's expenditure of city funds for the above-mentioned trips to Washington and for numerous dinner meetings.

Luke has come under fire almost constantly since he was hired in July 1974. Besides the previous controversy over Luke's use of city funds, Giera challenged the superintendent's doctorate from Philathea College in Canada. Criticism of the superintendent's performance also has come from the Chicopee Education Association, the Chicopee Parent-Teachers Organization, the Chicopee Taxpayers' Association and Redfern.

SPRINGFIELD, MASS., DAILY NEWS, SATURDAY, MARCH 12, 1977 3C-H

# Special Needs Funds Sought by 2 Schools

By TED LABORDE

CHICOPEE — School officials here and at Osborn Day School, West Springfield, are trying to clear financial matters which would allow the return of nine special needs students to the West Springfield facility next week.

Nine youths were sent home Feb. 28 for non-payment of tuition (November through mid-February) and two special needs teachers were also released because of lack of available funds.

School Supt. John M. Luke said today \$11,490 to cover the three-month tuition is expected to be received from City Auditor Norman Ritchott on Monday.

According to Luke, Mrs. Sally Osborn, director of the day school, is scheduling the return of the two teachers required to provide the required educational program for the youngsters.

Mrs. Osborn also wants a contract with the School Department for services to be signed and an assurance that tuition for the remainder of this year will be paid. She said the two teachers would not return unless they are guaranteed a salary for the rest of the year.

Luke said these matters are expected to be cleared up Tuesday during a special meeting of the School Committee. The contract is now under review by committee counsel Atty. Edward J. Ziembra, and although some language changes are necessary, the pact will be ready for School Committee approval Tuesday.

The School Department is suffering financial problems in its special education accounts. However, Luke said the services at Osborn have been contracted and payment will be made.

Osborn receives approximately \$5,000 per year for each of the nine youngsters.

Special Education Director Ralph Hicks has projected a \$217,000 deficit in his budget and efforts are underway to locate necessary funding from other areas of the school budget. The School Committee has already been denied additional city funds by Mayor Howard W. Redfern Jr. and the Board of Aldermen.

The School Committee, last week, transferred \$73,000 to the special education tuition account to cover tuition bills for Osborn and other special schools utilized by the city. The transfer, however, only covers outstanding bills through Feb. 23 and the committee was informed by Hicks that additional funds will be needed within 30 days to finance obligations for the remainder of this school year.

The Osborn problem has resulted in a request for a court restraining order binding the School Committee to provide sufficient funds for Chapter 766 services and placements.

A hearing of the request, filed by the Chicopee Parents Advisory Council, is scheduled for Monday in Hampden County Superior Court in Springfield.

Marjorie Wojcik, council president, said the request was made to "stop the city from having any kids thrown out of school."

The council last November filed a class-action suit against the School Committee, citing non-compliance of the state's special education law. The suit is now pending in Superior Court.

Also pending is an accompanying suit demanding that the city provide an additional \$750,000 for special education for the current year.

# Campbell Urges Opposition To Planned Chap. 70 Cuts

CHICOPEE — School Committee Chairman Russell E. Campbell called today for a concerted effort in lobbying against Gov. Michael Dukakis' plan to cut chapter 70, state educational reimbursements to local communities.

According to Campbell, the governor plans to cut chapter 70 from the current 69 per cent reimbursement rate to 48.7 per cent. The reduction will cost Chicopee an estimated \$500,000, Campbell said.

Campbell plea for support was directed at Mayor Howard W. Redfern Jr., the Board of Aldermen and the recently formed coalition of civic and teacher organizations.

A joint effort by various government bodies along with a letter writing campaign to the governor, state representatives and senators could prove an important step in blocking the intended

action, Campbell said.

The Committee chairman said surrounding communities should also join in the campaign because they will also feel the affects of the governor's action.

"Surrounding communities read the papers and realize Chicopee is caught up in numerous battles between various political bodies at present. If we can join forces, it would certainly show the importance of the issue," Campbell said.

"The cities and towns cannot be asked to finance more and more state initiated programs while receiving less and less state aid and reimbursement."

Campbell said if Chicopee loses \$500,000 it will mean a \$5 increase on the property tax rate.

Campbell called on all factions of the city to "bury the ax" and join in a common effort "to bring rightful tax money to this community and others."

Campbell said that if "only some of the effort given by various groups on the Luke (Schools Supt. John M. Luke's rehiring) issue can be directed at the governor's planned Chapter 70 cuts, we can be successful."

The possible loss of \$500,000 is "certainly a good enough reason for everyone to join hands and let the state know how we stand," Campbell said.

Chicopee is expected to receive \$2.9 million in state educational reimbursements under Chapter 70 this year. The city has projected the receipt of \$300,000 in fiscal 1978.

## Education committee hearing

# Money problems threaten 766 programs

BOSTON (UPI)—A legislator says if financial problems with educational programs for handicapped children are not solved "special education will go down the drain."

Chapter 766 of state law, enacted in 1974, requires local schools to provide programs for handicapped students.

Last year, local communities had to fund special education out of their regular school budgets and then were reimbursed by the state.

Bills aimed at ironing out problems with the two-year-old law were heard Monday by the Education Committee.

Rep. Ann Gannett, R-Wayland, a member of the committee and the legislative Commission on Unequal Education Opportunities, said in its method of funding the special education chapter the state lowered funding for other school programs.

"Local communities are tak-

ing a lot of grief because it means less money for regular education," she said.

Rep. Gannett said the commission hopes to draw up legislation this year to equalize funding to each city and town and to bring state funding for all education programs to at least 50 per cent.

"I'm afraid if we don't do something, special education is going to go down the drain," she said.

Rep. Nils Nordberg, R-Reading, filed a bill calling for state-run facilities for students with special needs.

"We must recognize there will always be some youngsters who cannot be assimilated into the public school system," said Nordberg.

"Although I think the private sector can do the best job — of operating schools for special students — I think the state can do a good job too," he said.

Apr 1977

# Redfern Firm on \$200,000 Refusal

CHICOPEE — Mayor Howard W. Redfern Jr. today retained his position that the financial problems with the School Department's special education account are a "School Department" matter and the department will not pro-

vide an additional \$200,000 as requested. Redfern said he has not reviewed the second such request from School Committee Chairman Russell Campbell, but that "I can say there will be no

the competence of the School Committee and administration charging there is no "responsible leadership and changes are needed." Redfern has been a strong critic of the School Department and School Committee for increased operating costs and other problems within the department.

As for Campbell's request for the additional \$200,000, Redfern said "apparently Campbell feels the taxpayers have too much money in their pockets and it is time to blow it. I don't feel the taxpayers have money to blow."

The first request for the additional funds was rejected by Redfern and the Board of Aldermen last month. However, this time Campbell cited

a Superior Court order that the committee continue to provide state mandated special education programs.

In a hand-delivered letter to Redfern Tuesday, Campbell said the appropriation was needed because the special education account had been exhausted.

The court order was handed down as a result of a class-action suit against the committee for alleged non-compliance with the state's Chapter 766 law.

A hearing on the suit has been delayed until next month in Hampden County Superior Court.

The suit was filed by four parents, who have also filed suit against the city requesting that an additional \$735,000 be appropriated to the fiscal 1977 special education account.

## ANTI-LUKE PETITION OKAYED

4-28-77 4-28-77

CHICOPEE — The Board of Registrars of Voters has certified a 7,000-name petition seeking the firing of School Supt. John M. Luke.

Of the 7,000 names, 5,650 were declared "good," and will now be presented to the School Committee to act on.

In effect, the petition demanded the School Board reconsider its March 30 vote rehiring Dr. Luke.

The school board must by law act on the petition immediately and if it fails to reconsider the issue and reverse its decision to rehire Luke, or refuses to take any action, the City Clerk's office must petition the Board of Aldermen for a city-wide referendum.

City Clerk John S. Whalen Tuesday said the referendum cost would be approximately \$10,000 and

five to six weeks would be needed to prepare it for the vote.

Dr. Luke's present contract expires July 7 and Whalen said he will ask aldermen to set the date of the referendum before that date.

Dr. Luke was rehired on a 6-to-5 vote despite the board's decision last fall, by a 7-to-4 vote, not to rehire him.

Those opposed to his rehiring have declared that a two-third vote was needed to rescind the 7-to-4 vote and said they will pursue legal channels to demand this.

Meanwhile, Mayor Howard W. Redfern Jr. said he will not sign pay orders for Dr. Luke after his present contract expires.

The petitions were circulated by teaching, taxpayer, parent and other civic groups.

# Mayor won't budge on 766 funds despite state suit against city

4/26/77

CHICOPEE — Mayor Howard W. Redfern Jr. this morning stuck by his long-standing refusal to have the city provide more than \$200,000 in additional special education funding after he and other city officials were notified of a lawsuit on the issue filed against them by the state Monday.

Redfern said Assistant City Solicitor Ralph Atkins would represent the city in a preliminary hearing Friday in Hampden County Superior Court on the suit, which charges the city failed to comply with Chapter 766, the special education law. If necessary, the mayor added, the case will be appealed all the way to the state Supreme Court.

Copies of a 20-page summons from the office of State Attorney General Francis X. Bellotti alleging "a pattern of delay, evasion and refusal to correct deficiencies in the Chicopee special education programs on the part of the School Committee" were made available this morning. The writ named as defendants the committee, Redfern, the Board of Aldermen, School Superintendent John M. Luke, Administrator of Special Education Ralph E. Hicks and the City of Chicopee.

Plaintiffs in the case were listed as Bellotti, state Commissioner of Education Gregory Anrig and members of the state Board of Education.

"The city gave the school committee all the special education funds it asked for. I do not feel the city is liable to provide any additional funds," Redfern said at a brief press conference this morning.

School committee Chairman Russell Campbell, interviewed in Luke's office this morning, said he felt the city could comply by providing approximately

\$215,000 needed by the local program this year out of \$340,000 it received in state aid to education funds.

The writ states that as a result of the defendants' failure to comply with Chapter 766, "school children with special needs in the Chicopee school district have suffered and will continue to suffer immediate and irreparable injury, in that they have not and will not receive the special education to which they are entitled."

The law requires that school age children with special needs have those needs diagnosed and evaluated, and that a special education program be proposed to meet each child's individual special needs.

The suit apparently stems from class action litigation which has been filed against the school committee on behalf of local parents with youngsters who require special education.

The summons alleges that the school committee's acts in delaying and avoiding compliance have included:

- discouraging the referral of students for more evaluations, along with their performance and the use of independent specialists, by refusal to pay for them;

- directly or indirectly influencing the special education staff to write plans "which meet the committee's perceived limitations on financial resources rather than . . . needs of individual students;

- discouraging in particular the staff from recommending private educational placements for students whose special needs require such programs, and delaying or refusing tuition payments for any such placements which have been recommended.

The suit also charges that the "pattern of non-

compliance" has been intensified by the school committee's practice, since September, 1974, of meeting in private on matters pertaining to special education services in violation of the Open Meeting Law.

Campbell said the school department "wants to go along with the law" but doesn't have the finances to do so while operating under a deficit budget.

"We'll be compelled to do it anyway if the city loses," he declared. "We'll have no choice at all."

On the other hand, he noted, should the state lose, "we'll have to cut back on (special education) services."

By taking money from other general accounts, the chairman noted, an original estimated deficit figure of half a million dollars had already been cut to \$215,000.

The deficit, according to Luke, resulted when the school committee voted to keep spending in the program to last year's level of \$690,000 when \$1,800,000 had been requested by the administration.

The initial allocation, he explained, was then reduced by another \$60,000 and then, when "they didn't have enough money to cover auto district placement," added a supplementary budget of half a million dollars which "should have been a million."

Both Campbell and Luke contended that the unpredictable nature of the program poses a major complication in advance budgeting.

"It's impossible to determine new expenditures," said Luke. "We're getting brand-new cases all the time, and some can cost from \$5-\$10,000."

Campbell said one individual case had cost in the vicinity of \$22,000. "They need therapy, treatment and specialists — not just education," he said.

# Campbell Blames Berger, Richards For Deficit

School Committee Chairman Russell E. Campbell claimed this week that a comprehensive audit and study of school records "proves beyond a doubt" that deficit budgets the past two years are the result of School Board chairmen going along with the "threats and promises of a mayor whose only interest is presenting a favorable tax picture."

Campbell said there is no doubt that past school leadership "deliberately underfunded many school operations" and as a result books have had to be changed for 49 transfers of funds between January 26 and July 19 of this year alone, with more than a half-million dollars taken from various accounts during this period.

Campbell said his audit of school accounts going back the 18 years he has been on the board, plus the reading of board meeting minutes, proves that the past two board chairmen, Robert Richards and Robert Berger, worked hand in glove in assisting the mayor to cut back on school costs, and "the result has been devastating to our education program, our children, teacher moral and the entire city."

"I sat in several sessions, attended by the press, in which the mayor made his pitch, slyly indicating the funds that the School

Committee cut would be restored by him after the tax rate was set," Campbell said.

"Now it has proved doubly interesting that both the mayor and a mayoral candidate, School Committeeman Walter Giera, blame me for deficit spending."

"A check of the records for this year show that the budget was passed by six to three vote, with myself, Rose Lesik and George Fredette against the deficit budget," Campbell said.

Further investigation and audit turned up the fact that he, Campbell, was the only board member to vote down the line against deficit salary accounts, he claimed.

"And these transfers, mind you, were just to meet bills for prior years, and to satisfy state mandates for special education," Campbell said.

He said his audit proves that \$208,000 had to be put into other regular accounts in order to fund them adequately.

He said an examination of one of these transfers shows that either the School Committee had not been bargaining in good faith with teachers during salary negotiations or that they could not anticipate the likely raise that would be agreed upon.

"At any rate," he said, "barely 19 days into the new budget in July, 1976, the committee had to

transfer \$173,500 to the teacher salary account. I categorically voted against deficit salary accounts."

"A result, a valuable reading program for the children was eliminated, furniture needs were not met and the recreation activities account was devastated."

Campbell said "nothing was too small to overlook" either by oversight or to intentionally leaving out the amount so it would not appear on tax bills.

"This included in early 1976 a transfer of \$34,000 to the insurance account, a perfectly predictable account which was not funded," he said.

"As a result, once again the children suffered as \$7600 was taken from their comprehensive library account, \$9000 in books were not purchased and music, elementary French, home economics and art books were not purchased."

He said the chain reaction of this deliberate underfunding is still going on. "In the first six months of 1977, more than \$93,000 from the 76-77 fiscal budget had to be used to pay 1975 and older bills."

"We have been criticized because of the \$14 million school budget. Strangely enough, it really isn't even an increase. It is a catch-up budget geared to putting our house back in order," he added.

8/10/77