Proposed Amendments to Special Education Regulations, 603 CMR 28.00

Presented to the Board of Elementary and Secondary Education for initial action: October 27, 2026

Period of public comment: through December 28, 2026

Final action by the Board of Elementary and Secondary Education anticipated: January 19, 2027

This document shows proposed revisions to the Special Education regulations, 603 CMR 28.00, that arise in connection with An Act Relative to Teacher Preparation and Student Literacy, passed by the Massachusetts Legislature in 2026 and signed by Governor Healey on June 26, 2026. A revised version of the early literacy screening regulation at 603 CMR 28.03(1)(f) will be moved to a proposed set of new regulations 603 CMR 58.03, Early Literacy Screening. The revisions show proposed changes to the current language by ~~strikethrough~~ (deleted language).

In accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, the Board of Elementary and Secondary Education invites written comments on the proposed regulations. Following the period of public comment, the Board is expected to vote on the regulations in final form at its regular meeting in December 2026.

603 CMR 28.03(1)

(1) **General Responsibilities of the School District.**

(a) **General.** Each school district shall provide or arrange for the provision of special education and related services for eligible students in accordance with the provisions of state and federal law and regulation.

1. The school district shall provide training to all school district staff, including general, English as a second language, and special educators, administrators, and paraprofessionals, on the requirements of special education.
2. The school district shall provide such staff training in analyzing and accommodating diverse learning needs of all students in the general education classroom.
3. The school district shall provide such staff training in methods of collaboration among teachers, paraprofessionals, and teacher assistants to accommodate diverse learning needs.

4. The district shall conduct, in cooperation with the parent advisory council, at least one workshop annually within the school district on the rights of students and their parents and guardians under state and federal special education laws.

(b) **Facilities.** The school district shall provide facilities and classrooms for eligible students to maximize the inclusion of such students into the life of the school. Facilities and classrooms serving only students with disabilities shall be at least equal in all physical respects to the average standards of general education facilities and classrooms. Resource rooms and separate classrooms for students with disabilities shall be given the same priority as general education programs for access to and use of instructional and other space in public schools in order to minimize the separation or stigmatization of eligible students.

1. All eligible students shall have access to school facilities including, but not limited to, those areas necessary to implement the student's IEP.
2. School districts shall provide whatever equipment and make whatever physical adaptations are necessary to comply with this provision, including acoustical and lighting treatments to remove physical communication barriers for students who are deaf or hard of hearing.
3. The Department may make unannounced inspections of facilities.
4. The following examples illustrate aspects of this requirement and shall not be construed as limiting or defining its scope:
    a. Placing a classroom serving only older students with disabilities in a part of the school building in which all the classrooms are occupied by elementary school students would violate the requirements of 603 CMR 28.03(1)(b).
    b. Placing a sign saying "special class on the front of a substantially separate classroom would violate the requirements of 603 CMR 28.03(1)(b).
    c. Placing all special education facilities together in one part of a school building would violate the requirements of 603 CMR 28.03(1)(b).
    d. Moving classrooms of students with disabilities to locations apart from the general education program because of financial or

construction considerations violates the requirements of 603 CMR 28.03(1)(b).

(c) **Change of residence.**

1. When an eligible student or student's family changes residence from one Massachusetts school district to another, the last IEP written by the former school district and accepted by the parent shall be provided in a comparable setting without delay until a new IEP is developed and accepted.

2. If a student found eligible in another state moves to Massachusetts, the new Massachusetts district of residence shall provide the student with a free appropriate public education, including special education services comparable to those in the IEP from the former state, in consultation with the parents, until the Massachusetts district determines if it will accept the finding of eligibility and/or the current IEP developed for the student in the former state of residence. If the Massachusetts district determines that the finding of eligibility and the IEP developed for the student continues to accurately represent the needs of the student, then the Massachusetts district shall continue to implement the IEP. If the Massachusetts district determines that a new evaluation is necessary to determine continued eligibility or services, or a parent or another person concerned with the child's development requests an evaluation, the district shall immediately provide written notice to the parents as required under 603 CMR 28.04(1).

(d) **Preschool Screening.** Each school district shall conduct screening for three and four year olds and for all children who are of age to enter kindergarten. Such screening shall be designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services.

1. The school district shall submit information to the Department describing the screening program and its elements as part of the local special education plan, when so requested.

2. Participation in the screening program for three and four year olds shall be optional on the part of the parents.

(e) **Private schools at private expense.** Nothing in 603 CMR 28.00 shall be construed to limit the rights of parents to have their children educated at private schools, completely at private expense. To the extent that public school districts provide and pay for special education services for eligible students enrolled in private schools at private expense, the following requirements shall apply:

1. Each school district shall provide special education designed to meet the needs of eligible students who are attending private schools at private expense and whose parents reside in the jurisdiction of the school district. The school district shall provide to such students genuine opportunities to participate in the public school special education program consistent with state constitutional limitations.

2. The school district shall provide or arrange for the provision of evaluation services and an IEP for any eligible private school student whose parent resides in the jurisdiction of the school district. The evaluation may take place in the public school, the private school, or an appropriate contracted facility, provided that the school district shall ensure that a representative of the student's private school is invited to participate as a member of the Team pursuant to 603 CMR 28.05.

3. The school district shall provide or arrange for the provision of the special education described by the student's IEP provided that school districts shall ensure that special education services funded with state or local funds are provided in a public school facility or other public or neutral site. When services are provided using only federal funds, services may be provided on private school grounds.

4. Special education provided by the school district to a private school student shall be comparable in quality, scope, and opportunity for participation to that provided to public school students with needs of equal importance. Programs in which both public and private school students participate may not include classes that are separated on the basis of school enrollment or the religious affiliation of the students.

~~(f) **Early Literacy Screening.** Effective July 1, 2023, each school district shall at least twice per year assess each student's reading ability and progress in literacy skills, from kindergarten through at least third grade, using a valid, developmentally appropriate screening instrument approved by the Department. Consistent with section 2 of chapter 71B of the general laws and the Department's dyslexia and literacy guidelines, if such~~

~~screenings determine that a student is significantly below relevant benchmarks for age-typical development in specific literacy skills, the school shall determine which actions within the general education program will meet the student's needs, including differentiated or supplementary evidence-based reading instruction and ongoing monitoring of progress. Within 30 school days of a screening result that is significantly below the relevant benchmarks, the school shall inform the student's parent or guardian of the screening results and the school's response and shall offer them the opportunity for a follow-up discussion.~~