

The wealthy have unfair advantages when getting specialized education for their kids. Here's what the state can do.

By [Mandy McLaren](#) Globe Staff, Updated November 12, 2024, 5:45 a.m.



Will Lambert, 10, played on his mother's phone after school as he sat in the family's living room. Will has autism and is sweet natured with his family's cat. But he can become agitated and turn violent. His parents believe he needs to be placed at a special school to help him cope with his disability so he doesn't hurt himself or others, but his school district disagrees. The Lamberts can't afford an attorney to advocate on their behalf. JESSICA RINALDI/GLOBE STAFF

School districts across Massachusetts over the past decade have engaged in [hundreds of secretive settlements](#) with special-education families, [doling out money and services with little state oversight](#), according to a Globe investigation.

Parents with the financial resources to afford costly advocates and attorneys benefit from this system the most, securing for their children annual tuition reimbursements to private [special-education schools](#), while those with lesser means are often left to [watch their children with disabilities struggle](#), the Globe found.

Meanwhile, parents are prevented from sharing information about their settlements because of nondisclosure agreements — a setup that further disempowers under-resourced families because it prevents them from sharing useful information with others, advocates said.

These inequities don't need to persist: Experts said there are steps the state can take to level the playing field, from expanding civil legal aid to bolstering the special-educator workforce.

Here are five avenues the state could pursue to make [out-of-district placements](#) more equitable:

More lawyers would help Massachusetts families

Dan Heffernan, a veteran attorney representing [special-education families](#) for the Newton-based firm [Kotin, Crabtree & Strong LLP](#), knows more parents need his help — and his colleagues' — than the firm is able to provide, especially to those who can't afford its hourly rates.

He questioned whether the state could do more to make lawyers available to families with fewer financial resources.

One venue for expanding access to lawyers is through the state’s civil legal aid programs, which received \$51 million in the fiscal 2025 budget.

Amy Dion is the senior supervising attorney for the education unit of [Community Legal Aid](#) of Central and Western Massachusetts. The attorneys in her unit do their best to meet demand, but it’s not always possible, Dion said, adding that additional state funding for civil legal aid would allow programs like hers to hire more staff.

“More money allows us to help more people,” she said.

Academic and neuropsychological testing are costly

To prove a child requires a private placement to be properly educated, parents need evidence that their children’s school setting is failing them. That evidence, often, comes from extensive academic and neuropsychological testing.

If parents dispute a district’s test results, they have the right to request an independent education evaluation, which can cost thousands of dollars.

These evaluations are supposed to be paid for by the district depending on a family’s income level. Attorneys and advocates, however, told the Globe [the state rate](#) for such evaluations isn’t large enough, leading doctors to turn away needy families. The hourly rate for a comprehensive neuropsychological assessment, for example, is \$115.67, with maximum coverage restricted to \$2,780.88.

Increasing the rate would lead to more children being evaluated — and faster, said Ashley Straker, supervising attorney for the education unit at the [Justice Center of Southeast Massachusetts](#), another legal aid program.

“A lot of evaluators don’t take the state rate,” Straker said. “Right now, we’re seeing waiting lists that are six months out, and time is passing and the student is not receiving the services and supports they need.”

Craig Horning, a Newton dad, founded in 2020 [Beyond Kids Reading](#), a Needham-based nonprofit that helps families with struggling readers advocate for better services. The nonprofit hopes to empower parents early on with detailed neuropsychological and academic evaluations that they can take to their children's schools.

With such diagnostic information, schools should be better equipped to support individual kids' unique needs. To Horning, the method is akin to proactive health care.

"In the long term, it's going to save the state money," he said.

Access to special-education experts is critical

It's often not enough to have test results in hand. To sway districts' decisions, many families find they need to pay for evaluators to provide personal testimony on their children's behalf.

Doing so costs even more money, with some neuropsychologists, for example, charging hundreds of dollars for an hourlong appearance. Straker said increasing access to experts is a matter of equity.

"When a parent is able to get their own evaluator, then they're able to level the playing field because districts already have their own experts," she said.

Data on settlements needed for equity

The state does not have data on whether certain groups of students in Massachusetts are benefiting from settlements for out-of-district placements at a disproportionate rate.

What little information does exist hints toward disparities for federally protected groups. A 2014 state-commissioned report found low-income students were five times less likely to be placed in private special-education schools at public expense than their more advantaged peers. In Massachusetts, as elsewhere in the United States, Black and Latino

students, including those still learning English, tend to come from lower-income households compared with their white and native-English speaking peers.

“More transparency is absolutely critical for us to make sure we’re meeting the needs of all students in Massachusetts and that we’re not leaving students behind,” said Pam Nourse, executive director of the [Federation for Children with Special Needs](#), a Boston-based organization that supports parents of special-education students.

A spokesperson for the Department of Elementary and Secondary Education said the state “is committed to promoting equitable access to special-education services for all students with disabilities” and “continues to work with districts, schools, and families to remove any barriers to this access, particularly with respect to students’ race and family income.”

More special-education teachers to meet students’ needs

Experts said one area to address is special-education staffing, both within public and private schools. There simply aren’t enough special educators, including teachers and therapists, to adequately serve Massachusetts students.

A new program in collaboration with the Division of Apprentices in the Executive Office of Labor and Workforce Development, which provides on-the-job training allowing participants to earn income while working toward their teaching license, will help the state increase its special-educator pipeline, according to the education department.

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