HOUSE DOCKET, NO. 1559 FILED ON: 1/20/2011

HOUSE . . . . . No. 1062

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin J. Murphy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to special education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kevin J. Murphy	*18th Middlesex*

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HOUSE . . . . . No. 1062

By Mr. Murphy of Lowell, a petition (accompanied by bill, House, No. 1062) of Kevin J. Murphy relative to special education placement decisions. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *481* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to special education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 3 of Chapter 71B of the General Laws is hereby amended by adding at the end thereof the following paragraph:

Notwithstanding any general or special law to the contrary, when the department of children and families determines that a child in its custody needs a new residential placement and the child is an eligible student with disabilities currently enrolled in a public day school placement within a school district or education collaborative, the department of children and families shall, except in cases of emergency, notify the school district at least 1 week prior to changing the child's residence. The notification from the department of children and families shall include an offer to meet with the school district prior to changing the child's place of residence. In the case of an emergency, the district shall be notified within 3 days of the change in the child's residence and the department of children and families shall offer to meet with the district within 1 week of the notification. If the department of children and families makes a decision to place a child in an approved private residential school, the district is authorized, but not required, to continue enrollment of the child in his current public day school placement, if appropriate. If the district continues enrollment of the child in his current public day school placement, it is required to provide transportation at its expense for the child to and from his residential placement and the department of children and families shall be responsible for the cost of the approved private residential school. If the district does not continue enrollment of the child in his current public day school placement, the district shall share the cost of the approved

20 private residential school with the department of children and families, provided that the district
21 shall not be required to pay more than it would be required to pay for the student's current public
22 day school placement, including the estimated cost of transportation to and from the student's
23 residential placement.