HOUSE DOCKET, NO. 421 FILED ON: 1/14/2011

HOUSE . . . . . No. 168

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

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 to provide equal opportunities for special education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Theodore C. Speliotis	*13th Essex*
Alice K. Wolf	*25th Middlesex*
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
James B. Eldridge	☐ *[District]* ☐
Susan C. Fargo	☐ *[District]* ☐
Patricia D. Jehlen	☐ *[District]* ☐
Kay Khan	*11th Middlesex*
David Paul Linsky	*5th Middlesex*
James J. O'Day	*14th Worcester*
Tom Sannicandro	*7th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Frank I. Smizik	*15th Norfolk*

Ellen Story	*3rd Hampshire*
David B. Sullivan	*6th Bristol*
Jennifer E. Benson	*37th Middlesex*

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HOUSE . . . . . No. 168

By Mr. Speliotis of Danvers, a petition (accompanied by bill, House, No. 168) of Theodore C. Speliotis and others for legislation to provide equal opportunity for special education. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *487* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to provide equal opportunities for 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, as appearing in the 2006 Official Edition, is hereby amended by inserting after the twelfth paragraph the following paragraph:—

Parents, guardians or persons with custody of a student and, in the case of students with legal authority to act in their own behalf, students who have either requested a hearing before the bureau of special education appeals seeking resolution of any dispute or are parties to a proceeding initiated by a school committee at such bureau shall be entitled to reasonable attorney's fees and costs, including the costs of experts, as a prevailing party if they obtain relief on a significant claim as a result of such request, or an appeal thereof, that effects a material alteration in the parties' legal relationship, and is not merely de minimis, or if they achieve a favorable result in defense of the school committee's action, whether such relief is the result of a voluntary change in the school committee's conduct, a settlement agreement, or a decision or order issued by a hearing officer or court.