HOUSE DOCKET, NO. 43 FILED ON: 1/2/2013

HOUSE . . . . . No. 415

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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 assure opportunity for all students with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia A. Haddad	*5th Bristol*
Benjamin B. Downing	*Berkshire, Hampshire, Franklin and Hampden*
David Paul Linsky	*5th Middlesex*
James M. Cantwell	*4th Plymouth*
Kay Khan	*11th Middlesex*
Jonathan Hecht	*29th Middlesex*
Benjamin Swan	*11th Hampden*
William Smitty Pignatelli	*4th Berkshire*
Kimberly N. Ferguson	*1st Worcester*
Louis L. Kafka	*8th Norfolk*
Ann-Margaret Ferrante	*5th Essex*
Anne M. Gobi	*5th Worcester*
Mark J. Cusack	*5th Norfolk*
Michael J. Finn	*6th Hampden*
Garrett J. Bradley	*3rd Plymouth*

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By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 415) of Patricia A. Haddad and others relative to improving procurement procedures to assure opportunities for students with disabilities. Education.

The Commonwealth of Massachusetts

An Act to assure opportunity for all students with disabilities.

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

Section 1. Section 22N of chapter 7 of the General Laws, as most recently amended by chapter 257 of the Acts of 2010, is hereby amended in the sixth paragraph by inserting after the first sentence the following 3 sentences:-

The division shall establish a subsequent year price for a contractor for goods or services related to special education as defined in section 1 of chapter 71B located within the commonwealth by adding a per student annual adjustment amount to the current authorized price, so called. The per student annual adjustment amount will be determined by multiplying the current authorized price, so called, by a percentage factor, as determined on an annual basis by the operational services division. The annual adjustment amount percentage for each cost component shall correspond to the actual cost component structure of these programs.

Section 2. Notwithstanding any general or special law to the contrary, the division of purchased services of the department of procurement shall promulgate rules and regulations relative to the pricing of programs approved under chapter 71B of the General Laws for the purpose of promoting recruitment and retention of all direct care staff and improving instructional resources. Said rules and regulations shall include the following provisions:-

(a) the division shall establish a pricing mechanism, including eligibility and procedural requirements, that allows approved programs to apply for salary and benefit increases for all direct care staff including, but not limited to, teachers, related service staff, health care staff and clinical staff to increase the rate of licensure and certification, as may be required by state or federal law, and to decrease the rate of staff attrition and to ensure that benefits and salaries are comparable to the benefits and salaries of similar employees in public schools or relevant agencies of the commonwealth. Said salaries and benefits shall be prorated for the length of said

23 programs. The pricing mechanism shall also address department of elementary and secondary
24 education approved instructional resource upgrades;

25 (b) the department of elementary and secondary education shall, at the next evaluation of
26 an approved private special education program as required in section 3 of chapter 71B, review
27 the facilities, textbooks, equipment, technology, materials and supplies of the program necessary
28 to instruct students in the Massachusetts curriculum frameworks and recommend to the division
29 pricing adjustments to address needed instructional resource upgrades as determined by the
30 department; and

31 (c) the division's pricing mechanisms shall not be based upon non-commonwealth or
32 prior year's revenues. No mechanism established by the division shall delay a program price
33 adjustment for more than 90 days. Private special education programs must provide purchasers,
34 the department of elementary and secondary education and the operational services division with
35 a notice of intent to apply for salary and benefit upgrades by October 1 for the following fiscal
36 year.