HOUSE DOCKET, NO. 3328 FILED ON: 1/18/2013

HOUSE . . . . . No. 463

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 finance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice Hanlon Peisch	*14th Norfolk*

HOUSE DOCKET, NO. 3328 FILED ON: 1/18/2013

HOUSE . . . . . No. 463

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 463) of Alice Hanlon Peisch relative to special education finance. Education.

The Commonwealth of Massachusetts

An Act relative to special education finance.

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 8 of chapter 70B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after clause (8) the following:- "and (9) priority shall be given to projects needed in the judgment of said authority to create space for in-district special education programs and services."

SECTION 2. Subsection (a) of section 10 of said chapter 70B, as so appearing, is hereby amended by inserting after the third sentence in subclause (C) the following sentence:- "Such incentive points shall be awarded for projects that include spaces for in-district special education programs and services."

SECTION 3. Subsection (b) of section 5A of chapter 71B of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:-

"In-district programs", shall consist of special education services provided in a facility used by any school district to educate children with disabilities and children without disabilities pursuant to chapter 71 or a separate facility wholly operated by a school district exclusively for students who reside in that district with significant and severe disabilities whose needs cannot be met in a less restrictive setting and who otherwise would be served in private special education day or residential schools; provided, however, that such separate facilities shall be approved by the department of elementary and secondary education before being designated as "in-district programs" for the purpose of this section.

"Out-of-district programs", shall consist of special education services provided in a facility used exclusively for the purposes of this chapter.

SECTION 4. Subsection (c) of said section 5A of chapter 71B, as so appearing, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following:- "Based on the approved costs, the department shall calculate the reimbursement due a municipality based upon the following: (i) the costs of in-district programs shall be reimbursed at 75 per cent of all such approved costs that exceed 3 times the state average per pupil foundation budget, as defined in said chapter 70, for the previous fiscal year; and (ii) the costs of

27 out-of-district programs shall be reimbursed at 75 per cent of all such approved costs that exceed
28 4 times the state average per pupil foundation budget, as defined in said chapter 70, for the
29 previous fiscal year. The costs of in-district and out-of-district programs shall be reimbursed at
30 100 per cent of all such approved costs that exceed 10 times the state average per pupil
31 foundation budget, as defined in said chapter 70, for the previous fiscal year.
32 SECTION 5. Said chapter 71B, as so appearing, is hereby further amended by inserting after
33 Section 5C the following section:-
34 Section 5D. There is hereby established, subject to appropriation, a special education
35 transportation reimbursement program. Said program shall reimburse municipalities for the cost
36 of transportation of a special education student to an out-of-district program; provided, however,
37 that the school system seeking reimbursement is a member of a transportation collaborative or a
38 regionalized transportation network; and provided, further, that the private transporter of the
39 child accepts rates of payment for such transportation as determined by the department of
40 elementary and secondary education. Said reimbursements shall be in addition to amounts
41 distributed pursuant to chapter 70 and shall not be included in the calculation of base aid, as
42 defined in said chapter 70, for any subsequent fiscal year. The department of elementary and
43 secondary education shall define those costs associated with providing transportation for pupils
44 to out-of-district programs that shall be eligible for reimbursement under this program.
45 SECTION 6. The board of elementary and secondary education shall promulgate rules and
46 regulations establishing a process by which school districts may seek and accept reimbursement
47 from insurers and similar third party payors for health care goods or services provided under an
48 individualized education plan which constitute medically necessary treatment for disease, illness,
49 injury, or bodily dysfunction.