HOUSE DOCKET, NO. 1447 FILED ON: 1/16/2013

HOUSE . . . . . No. 499

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 Equity and Fairness for Students with Disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Theodore C. Speliotis	*13th Essex*
Kay Khan	*11th Middlesex*
David Paul Linsky	*5th Middlesex*
Ruth B. Balser	*12th Middlesex*
Michael Barrett	*Third Middlesex*
Marjorie C. Decker	*25th Middlesex*
Frank I. Smizik	*15th Norfolk*
Donald F. Humason, Jr.	*4th Hampden*

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HOUSE . . . . . No. 499

By Mr. Speliotis of Danvers, a petition (accompanied by bill, House, No. 499) 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. *168* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act to Equity and Fairness for 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. The twelfth paragraph of section 3 of chapter 71B of the General Laws as so appearing, is hereby amended by inserting after the third sentence the following sentence:

The school committee shall have the burden of proof in any proceeding conducted pursuant to this section.

SECTION 2.

Section 3 of chapter 71B of the General Laws, as so appearing, is hereby amended by inserting after the twelfth paragraph the following paragraph:—

Parents, guardians or persons with custody of a student 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 related costs, including reasonable expert fees and costs, as a prevailing party if they achieve a favorable result in defense of the school committee's action or 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, 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.