

SENATE No. 221

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 relating to special education evaluation and referral.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

SENATE No. 221

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 221) of Sal N. DiDomenico, Michael F. Rush, Martin J. Walsh, Carlo Basile and other members of the General Court for legislation relative to special education evaluation and referral. Education.

The Commonwealth of Massachusetts

An Act relating to special education evaluation and referral.

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

1 SECTION 1. Section 3 of chapter 71B of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out the first sentence in the sixth paragraph and
3 inserting in place thereof the following sentence:-

4 Within sixty days after receiving consent from the child’s parents or guardians, the school
5 committee shall provide an evaluation as hereinafter defined.

6 SECTION 2. Section 3 of said chapter 71B, as so appearing, is hereby further amended
7 by inserting in the eighth paragraph after the second sentence the following sentence:-

8 Within ninety days after receiving consent from the child’s parents or guardians to
9 complete an evaluation, those persons assessing the child shall provide the child’s parents or
10 guardians with a suggested special education program, including placement.

11 SECTION 3. Chapter 111G of the General Laws is hereby amended by inserting after
12 section 2 the following section:-

13 Section 2A. (a) Programs providing early intervention services shall refer a child who
14 may be eligible at age three to receive special education services, as defined in section one of
15 chapter seventy-one B, to the school district where the child is eligible to enroll not later than six
16 months before the child’s third birthday nor more than nine months before the child’s third
17 birthday, subject to receiving parental consent for the referral. Programs must document their
18 requests for parental consent of this referral and the result of these requests. The referral shall
19 include:

20 (i) the child’s name;

21 (ii) the child’s date of birth;

22 (iii) contact information, including names, addresses, and telephone numbers of parents
23 or guardians; and

24 (iv) a brief description of the reasons for referral or the nature of the program for which
25 the child may be eligible.

26 (b) When a program providing early intervention services convenes a conference among
27 the program, the family of a child who may be eligible at age three to receive special education
28 services, and the school district where the child is eligible to enroll, to discuss any special
29 education services the child may receive upon reaching age three, the program shall send written
30 notice of this conference to the school district no later than five days prior to the conference.

31 SECTION 4. Section 2 of chapter 111G of the General Laws, as appearing in the 2010
32 Official Edition, is hereby amended by inserting after the third paragraph the following
33 paragraph:-

34 If the division adopts an opt-out policy that requires programs providing early
35 intervention services to inform the parents or guardian of a child receiving these services of the
36 intended disclosure of personally identifiable information and to allow the parents a specified
37 time to object, this policy shall specify that a parental opt-out must be received after a child's
38 second birthday in order to prevent the disclosure of such information for the purposes of
39 planning the child's transition to preschool.