

SENATE No. 233

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 promoting equal opportunities for students with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Michael Barrett</i>	<i>Third Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

SENATE No. 233

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 233) of James B. Eldridge, Kay Khan, Kenneth I. Gordon, David Paul Linsky and other members of the General Court for legislation to provide fair process for students with disabilities. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ SENATE
□ , NO. 203 OF 2011-2012.]

The Commonwealth of Massachusetts

An Act promoting equal opportunities 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:

1 SECTION 1. Section 3 of chapter 71B of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended in the twelfth paragraph by inserting after the third sentence
3 the following sentence:-

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

6 SECTION 2. Said section 3 of said chapter 71B of the General Laws, as so appearing, is
7 hereby further amended by inserting after the twelfth paragraph the following paragraph:-

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