HOUSE DOCKET, NO. 557 FILED ON: 1/18/2011

HOUSE . . . . . No. 151

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 further providing for reimbursement to cities and towns for extraordinary special education costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	*15th Middlesex*
John D. Keenan	*7th Essex*
Ruth B. Balser	*12th Middlesex*
Paul W. Mark	*2nd Berkshire*
James B. Eldridge	☐ *[District]* ☐
Jason M. Lewis	*31st Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Stephen L. DiNatale	*3rd Worcester*
Jennifer E. Benson	*37th Middlesex*
Frank I. Smizik	*15th Norfolk*
William N. Brownsberger	☐ *[District]* ☐
Stephen R. Canessa	*12th Bristol*

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HOUSE . . . . . No. 151

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 151) of Jay R. Kaufman and others for legislation to provide for reimbursement to cities and towns for extraordinary special education costs. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *445* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act further providing for reimbursement to cities and towns for extraordinary special education costs.

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 2 of Chapter 70 of the Massachusetts General Laws as appearing in the 2008 Official edition is hereby amended by:

Amending the definition of "Foundation assistants", by deleting subpart (e), and inserting in place thereof, the following subpart: - (e) one hundred and twenty-five thousandths multiplied by the actual in-school special education enrollment as stated in the previous years October 1, report to the Department of Education or as otherwise reported to said Department.

Further, amending the definition of "Foundation central office professional staff", by deleting subpart (c), and inserting in place thereof, the following subpart: - (c) two hundredths multiplied by the sum of the actual in-school special education enrollment and the actual residential and day tuitions paid for all students counted in the special education enrollment.

Further, deleting the definition of "Foundation non-salary expenses", and inserting in place thereof, the following definition: - the sum of foundation athletic expenses, foundation extracurricular activity expenses, foundation utility and ordinary maintenance expenses, foundation benefits, foundation special education tuition, defined as the actual amount spent by each city, town or district for day or residential tuition payments for special education students

16 and all contracted services relating to provision of any special education service required by
17 M.G.L. c. 71B, and foundation miscellaneous expenses.

18 Further, amending the definition of "Foundation support staff", by deleting subpart (e),
19 and inserting in place thereof, the following subpart: - (e) seventy-six thousandths multiplied by
20 the actual in-school special education enrollment as stated in the previous years October 1, report
21 to the Department of Education or as otherwise reported to said Department.

22 Further, amending the definition of "Foundation teaching staff", by deleting subpart (g),
23 and inserting in place thereof, the following subpart: - (g) the actual in-school special education
24 enrollment as stated in the previous years October 1, report to the Department of Education or as
25 otherwise reported to said Department.

26 SECTION 2. The provisions of section 3 of Chapter 70 of the Massachusetts General
27 Laws as appearing in the 2008 Official edition is hereby amended by:

28 Inserting in place of paragraph three, the following: - The foundation budget shall be
29 calculated using foundation enrollments for the respective fiscal years as estimated by the
30 department according to the procedures outlined in section 2 and shall be increased annually as
31 required by this paragraph. The monetary factors used in calculating the foundation budget for
32 such years shall be adjusted for inflation by multiplying each such factor by the foundation
33 inflation index. The factors to be inflated shall be the monetary values for the foundation payroll,
34 foundation non-salary expenses, professional development allotment, expanded program
35 allotment, extraordinary maintenance allotment and book and equipment allotment.
36 Additionally, cities, towns and districts of the Commonwealth will receive extraordinary special
37 education aid according to the following formula: In fiscal year 2012 school districts will
38 receive eighty percent of all special education costs, including transportation costs if the city,
39 town, or district utilizes a regional transportation network to reduce transportation costs or other
40 collaborative and demonstrated efforts to reduce such costs, above 3.75 times the per pupil
41 foundation budget; eighty percent of all such costs above 3.5 times the per pupil foundation
42 budget for fiscal year 2013; eighty percent of all such costs above 3.25 per pupil foundation
43 budget for fiscal year 2010 and eighty percent of all such costs above 3.0 times the per pupil
44 foundation budget for fiscal year 2015. Cities, towns and school districts will be eligible for
45 extraordinary special education funding from the Commonwealth will be distributed to cities,
46 towns and districts in the budget year that the tuition are payable.