SENATE DOCKET, NO. 812 FILED ON: 1/20/2011

SENATE . . . . . No. 178

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Baddour

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 reducing special education referrals and costs..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Baddour	☐ *[District]* ☐
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*

SENATE DOCKET, NO. 812 FILED ON: 1/20/2011

SENATE . . . . . No. 178

By Mr. Baddour, a petition (accompanied by bill, Senate, No. 178) of Steven A. Baddour and Sal N. DiDomenico for legislation to reduce special education referrals and costs. Education.

The Commonwealth of Massachusetts

An Act reducing special education referrals and 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. Chapter 71B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding after Section 5C the following new Section:-

Section 5D. (a) There is hereby established, subject to appropriation, a pre-special education referral reimbursement program. Said program shall reimburse municipalities for one half of the eligible instructional costs associated with the reduction of special education referrals for problems with reading/literacy through the implementation of Reading Recovery. Said reimbursements shall be in addition to amounts distributed pursuant to chapter 70 of the General Laws and shall not be included in the calculation of base aid, as defined in said chapter 70, for any subsequent fiscal year.

(b) For the purposes of this section, the following words shall have the following meanings:—

"Reading Recovery", a one to one, scientific research-based, short term (12-20 weeks), pre-special education referral early literacy intervention delivered by a certified Reading Recovery teacher to children at risk of failing to learn to read and write in first grade. Children are selected for service based on performance in six literacy assessments published in Clay's An Observation Survey of Early Literacy Achievement. Reading Recovery teachers must be certified as having completed a year-long accredited university-based Reading Recovery program.

"Instructional costs", costs directly attributable to providing students with one to one intervention services of a Reading Recovery teacher for not more than twenty weeks. Such costs shall include as salary of educational personnel, salary of related services personnel, costs for specialized books, materials or equipment. Instructional costs shall not include transportation costs, administrative or overhead costs, the costs of adapting classrooms or materials that are used by more than one student, the costs of fringe benefits of personnel employed by the school

25 district. Instructional costs for the purposes of this reimbursement program also shall not include
26 the salary of personnel providing educational services when such services are not specially
27 designed instruction for the student in Reading Recovery.

28 (c) Instructional costs eligible for reimbursement under the program shall be reported by
29 a school district to the department in a form and manner as prescribed by the commissioner. The
30 department shall review the report and approve those per pupil instructional costs that are
31 eligible for reimbursement pursuant to the program within 30 days of submission. Based upon
32 the approved costs, the department shall calculate the reimbursement due a municipality.

33 (d) Districts shall notify the department within 30 days of any change in previously
34 approved instructional costs, including but not limited to changes in a student's enrollment status
35 in Reading Recovery.

36 (e) In preparing a budget recommendation for the subsequent fiscal year for consideration
37 by the local appropriating authority, a school district shall project Reading Recovery costs and
38 enrollments, including per pupil instructional costs eligible for reimbursement under this
39 program. The school committee's budget recommendation shall exclude any such instructional
40 costs eligible for reimbursement under this program. Upon receipt of reimbursements paid under
41 this program by the municipal treasurer, in the case of local school districts, or the regional
42 district treasurer in the case of regional school districts, such amounts shall be recorded by the
43 municipality or district as additional appropriations to the school committee, without any further
44 action being required on the part of the local appropriating authority.

45 (f) Reimbursements shall be made based on the previous year's per-pupil instructional
46 costs, as pursuant to subsection (c), in compliance with department of education audits and
47 procedures. Reimbursements shall be made in 4 quarterly payments to coincide with the
48 distribution of funds made available pursuant to said chapter 70. Each quarterly payment shall be
49 equal to 25 per cent of the estimated reimbursements for the previous year's submissions, subject
50 to appropriation.