

**HOUSE . . . . . No. 463**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Alice Hanlon Peisch*

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*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 adoption of the accompanying bill:

An Act relative to special education finance.

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PETITION OF:

NAME:

*Alice Hanlon Peisch*

DISTRICT/ADDRESS:

*14th Norfolk*

**HOUSE . . . . . No. 463**

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By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 463) of Alice Hanlon Peisch relative to special education finance. Education.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to special education finance.

*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 8 of chapter 70B of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting after clause (8) the following:- “and (9) priority  
3 shall be given to projects needed in the judgment of said authority to create space for in-district  
4 special education programs and services.”

5           SECTION 2. Subsection (a) of section 10 of said chapter 70B, as so appearing, is hereby  
6 amended by inserting after the third sentence in subclause (C) the following sentence:- “Such  
7 incentive points shall be awarded for projects that include spaces for in-district special education  
8 programs and services.”

9           SECTION 3. Subsection (b) of section 5A of chapter 71B of the General Laws, as so  
10 appearing, is hereby amended by inserting at the end thereof the following:-

11           “In-district programs”, shall consist of special education services provided in a facility  
12 used by any school district to educate children with disabilities and children without disabilities  
13 pursuant to chapter 71 or a separate facility wholly operated by a school district exclusively for  
14 students who reside in that district with significant and severe disabilities whose needs cannot be  
15 met in a less restrictive setting and who otherwise would be served in private special education  
16 day or residential schools; provided, however, that such separate facilities shall be approved by  
17 the department of elementary and secondary education before being designated as “in-district  
18 programs” for the purpose of this section.

19           “Out-of-district programs”, shall consist of special education services provided in a  
20 facility used exclusively for the purposes of this chapter.

21 SECTION 4. Subsection (c) of said section 5A of chapter 71B, as so appearing, is hereby  
22 amended by striking out the third and fourth sentences and inserting in place thereof the  
23 following:- “Based on the approved costs, the department shall calculate the reimbursement due  
24 a municipality based upon the following: (i) the costs of in-district programs shall be reimbursed  
25 at 75 per cent of all such approved costs that exceed 3 times the state average per pupil  
26 foundation budget, as defined in said chapter 70, for the previous fiscal year; and (ii) the costs of  
27 out-of-district programs shall be reimbursed at 75 per cent of all such approved costs that exceed  
28 4 times the state average per pupil foundation budget, as defined in said chapter 70, for the  
29 previous fiscal year. The costs of in-district and out-of-district programs shall be reimbursed at  
30 100 per cent of all such approved costs that exceed 10 times the state average per pupil  
31 foundation budget, as defined in said chapter 70, for the previous fiscal year.

32 SECTION 5. Said chapter 71B, as so appearing, is hereby further amended by inserting  
33 after Section 5C the following section:-

34 Section 5D. There is hereby established, subject to appropriation, a special education  
35 transportation reimbursement program. Said program shall reimburse municipalities for the cost  
36 of transportation of a special education student to an out-of-district program; provided, however,  
37 that the school system seeking reimbursement is a member of a transportation collaborative or a  
38 regionalized transportation network; and provided, further, that the private transporter of the  
39 child accepts rates of payment for such transportation as determined by the department of  
40 elementary and secondary education. Said reimbursements shall be in addition to amounts  
41 distributed pursuant to chapter 70 and shall not be included in the calculation of base aid, as  
42 defined in said chapter 70, for any subsequent fiscal year. The department of elementary and  
43 secondary education shall define those costs associated with providing transportation for pupils  
44 to out-of-district programs that shall be eligible for reimbursement under this program.

45 SECTION 6. The board of elementary and secondary education shall promulgate rules  
46 and regulations establishing a process by which school districts may seek and accept  
47 reimbursement from insurers and similar third party payors for health care goods or services  
48 provided under an individualized education plan which constitute medically necessary treatment  
49 for disease, illness, injury, or bodily dysfunction.