

HOUSE No. 415

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to pricing for chapter 71B approved private school programs..

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

1 Notwithstanding any general or special law to the contrary, the division of purchased
2 services of the department of procurement, which under section 274 of chapter 110 of the acts of
3 1993 is responsible for determining prices for programs, approved under chapter 71B of the
4 General Laws, or any successor agency thereto, shall promulgate regulations relative to the
5 pricing of said programs with the purpose of promoting recruitment and retention of all direct
6 care staff and improving instructional resources which shall incorporate the following
7 provisions:

8 1. The division shall establish a pricing mechanism, including eligibility and procedural
9 requirements, that allows approved programs to apply for salary and benefit increases for all
10 direct care staff including but not limited to teachers, related service staff, health care staff and
11 clinical staff in order to increase the rate of licensure and certification, as may be required by
12 state or federal law, and to decrease the rate of staff attrition, to rates that are comparable to
13 public schools in the Commonwealth or relevant agencies of the Commonwealth. Said salaries

14 and benefits shall be prorated for the length of said programs. The pricing mechanism shall also
15 address Department of Education approved instructional resource upgrades.

16 2. The Department of Education shall, at the next evaluation of an approved private
17 special education program as required in section 3 of chapter 71B, review the facilities,
18 textbooks, equipment, technology, materials and supplies of the program necessary to instruct
19 students in the Massachusetts Curriculum Frameworks and recommend to the division pricing
20 adjustments to address needed instructional resource upgrades as determined by the Department.

21 3. The division's pricing mechanisms shall not be based upon non-Commonwealth or
22 prior year's revenues. No mechanism established by the division shall delay a program price
23 adjustment for more than 90 days. Private special education programs must provide purchasers,
24 the Department of Education and the Operational Services Division with a notice of intent to
25 apply for salary and benefit upgrades by October 1 for the fiscal year starting the following
26 July 1.