

HOUSE No. 445

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 SECTION 1. Section 2 of Chapter 70 of the Massachusetts General Laws as appearing in
2 the 2004 Official edition is hereby amended by:

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

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

11 Further, deleting the definition of “Foundation non-salary expenses”, and inserting in
12 place thereof, the following definition: - the sum of foundation athletic expenses, foundation
13 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 and all contracted services relating to provision of any special education service required by M.G.L. c. 71B, and foundation miscellaneous expenses.

Further, amending the definition of “Foundation support staff”, by deleting subpart (e), and inserting in place thereof, the following subpart: - (e) seventy-six 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 teaching staff”, by deleting subpart (g), and inserting in place thereof, the following subpart: - (g) 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.

SECTION 2. The provisions of section 3 of Chapter 70 of the Massachusetts General Laws as appearing in the 2004 Official edition is hereby amended by:

Inserting in place of paragraph three, the following: - The foundation budget shall be calculated using foundation enrollments for the respective fiscal years as estimated by the department according to the procedures outlined in section 2 and shall be increased annually as required by this paragraph. The monetary factors used in calculating the foundation budget for such years shall be adjusted for inflation by multiplying each such factor by the foundation inflation index. The factors to be inflated shall be the monetary values for the foundation payroll, foundation non-salary expenses, professional development allotment, expanded program 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 2008 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 2009; 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 2011. 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.