

HOUSE No. 4675

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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 shall promulgate rules and regulations relative to the
3 pricing of programs approved under chapter 71B of the General Laws for the purpose of
4 promoting recruitment and retention of all direct care staff and improving instructional resources.

5 Said rules and regulations shall include the following provisions:-

6 (a) the division shall establish a pricing mechanism, including eligibility and procedural
7 requirements, that allows approved programs to apply for salary and benefit increases for all
8 direct care staff including, but not limited to, teachers, related service staff, health care staff and
9 clinical staff to increase the rate of licensure and certification, as may be required by state or
10 federal law, and to decrease the rate of staff attrition and to ensure that benefits and salaries are
11 comparable to the benefits and salaries of similar employees in public schools or relevant
12 agencies of the commonwealth. Said salaries and benefits shall be prorated for the length of said
13 programs. The pricing mechanism shall also address department of elementary and secondary
14 education approved instructional resource upgrades;

15 (b) the department of elementary and secondary education shall, at the next evaluation of
16 an approved private special education program as required in section 3 of chapter 71B, review
17 the facilities, textbooks, equipment, technology, materials and supplies of the program necessary
18 to instruct students in the Massachusetts curriculum frameworks and recommend to the division
19 pricing adjustments to address needed instructional resource upgrades as determined by the
20 department; and

21 (c) 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 elementary and secondary education and the operational services division
25 with a notice of intent to apply for salary and benefit upgrades by October 1 for the following
26 fiscal year.