

HOUSE No. 4749

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Relative to Special Education..

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 3 of Chapter 71B of the General Laws is hereby amended by adding at the end
2 thereof the following paragraph:

3 Notwithstanding any general or special law to the contrary, when the department of
4 children and families determines that a child in its custody needs a new residential placement and
5 the child is an eligible student with disabilities currently enrolled in a public day school
6 placement within a school district or education collaborative, the department of children and
7 families shall, except in cases of emergency, notify the school district at least 1 week prior to
8 changing the child’s residence. The notification from the department of children and families
9 shall include an offer to meet with the school district prior to changing the child’s place of
10 residence. In the case of an emergency, the district shall be notified within 3 days of the change
11 in the child’s residence and the department of children and families shall offer to meet with the
12 district within 1 week of the notification. If the department of children and families makes a
13 decision to place a child in an approved private residential school, the district is authorized, but
14 not required, to continue enrollment of the child in his current public day school placement, if

15 appropriate. If the district continues enrollment of the child in his current public day school
16 placement, it is required to provide transportation at its expense for the child to and from his
17 residential placement. If the district does not continue enrollment of the child in his current
18 public day school placement, the department of children and families shall be responsible for the
19 cost of the approved private residential school.