

HOUSE No. 481

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 5A 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 the department of children and
4 family services shall not make special education placement decisions and shall adhere to the
5 current individualized education plan until it is altered by the team process pursuant to applicable
6 law. Furthermore, the department of elementary and secondary education shall consider a special
7 education day school operated by an educational collaborative or other public entity as a
8 different program type than one operated by a private entity. A school district shall only be
9 responsible for their portion of the costs associated with a private residential placement pursuant
10 to a valid individualized education plan.