

HOUSE No. 487

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to provide equal opportunities for 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, as appearing in the 2006 Official
2 Edition, is hereby amended by inserting after the twelfth paragraph the following paragraph:—

3 Parents, guardians or persons with custody of a student and, in the case of students with
4 legal authority to act in their own behalf, students who have either requested a hearing before the
5 bureau of special education appeals seeking resolution of any dispute or are parties to a
6 proceeding initiated by a school committee at such bureau shall be entitled to reasonable
7 attorney’s fees and costs, including the costs of experts, as a prevailing party if they obtain relief
8 on a significant claim as a result of such request, or an appeal thereof, that effects a material
9 alteration in the parties’ legal relationship, and is not merely de minimis, or if they achieve a
10 favorable result in defense of the school committee’s action, whether such relief is the result of a
11 voluntary change in the school committee’s conduct, a settlement agreement, or a decision or
12 order issued by a hearing officer or court.