

**HOUSE . . . . . No. 168****The Commonwealth of Massachusetts**

PRESENTED BY:

***Theodore C. Speliotis****To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to provide equal opportunities for special education.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	<i>1/14/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>1/19/2011</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2011</i>
<i>James B. Eldridge</i>		<i>2/2/2011</i>
<i>Susan C. Fargo</i>		<i>2/4/2011</i>
<i>Patricia D. Jehlen</i>		<i>2/3/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/25/2011</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/1/2011</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/4/2011</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/27/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/27/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/3/2011</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>2/4/2011</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>	<i>2/4/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/24/2011</i>

# HOUSE . . . . . No. 168

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By Mr. Speliotis of Danvers, a petition (accompanied by bill, House, No. 168) of Theodore C. Speliotis and others for legislation to provide equal opportunity for special education. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 487 OF 2009-2010.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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.