

HOUSE No. 4333

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act to ensure equity and fairness for students with disabilities.

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 1. Section 3 of chapter 71B of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the twelfth paragraph the following
3 paragraph:--

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