

**HOUSE . . . . . No. 499**

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**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 Equity and Fairness for Students with Disabilities.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Donald Humason</i>	

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By Mr. Speliotis of Danvers, a petition (accompanied by bill, House, No. 499) 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. 168 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act to 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. The twelfth paragraph of section 3 of chapter 71B of the General Laws as  
2 so appearing, is hereby amended by inserting after the third sentence the following sentence:

3 The school committee shall have the burden of proof in any proceeding conducted  
4 pursuant to this section.

5 SECTION 2.

6 Section 3 of chapter 71B of the General Laws, as so appearing, is hereby amended by  
7 inserting after the twelfth paragraph the following paragraph:—

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