HOUSE DOCKET, NO. 2681 FILED ON: 1/18/2013

HOUSE . . . . . No. 502

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story

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 reducing special education referrals and costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ellen Story	*3rd Hampshire*
Timothy J. Toomey, Jr.	*26th Middlesex*
Cleon H. Turner	*1st Barnstable*
Tricia Farley-Bouvier	*3rd Berkshire*
Peter V. Kocot	*1st Hampshire*
Sarah K. Peake	*4th Barnstable*
Anthony W. Petruccelli	*First Suffolk and Middlesex*
Cory Atkins	*14th Middlesex*
Jonathan Hecht	*29th Middlesex*
Daniel A. Wolf	*Cape and Islands*

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HOUSE . . . . . No. 502

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 502) of Ellen Story and others for legislation to reduce special education referrals and costs. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *172* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act reducing special education referrals and costs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 71B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding after Section 5C the following new section:-

Section 5D. (a) There is hereby established, subject to appropriation, a pre-special education referral reimbursement program. Said program shall reimburse municipalities for one half of the eligible instructional costs associated with the reduction of special education referrals for problems with reading/literacy through the implementation of a qualified literacy intervention program. Said reimbursements shall be in addition to amounts distributed pursuant to chapter 70 of the General Laws and shall not be included in the calculation of base aid, as defined in said chapter 70, for any subsequent fiscal year.

(b) For the purposes of this section, the following words shall have the following meanings:-

"Qualified literacy intervention program," a pre-referral early intervention program for children determined to be at risk of failing to learn to read in the first grade. Programs eligible for reimbursement must be able to demonstrate effectiveness based on published research.

"Instructional costs", costs directly attributable to providing students with one to one literacy teaching intervention services provided as part of a qualified intervention program. Such costs shall include as salary of educational personnel, salary of related services personnel, costs

18 for specialized books, materials and equipment. Instructional costs shall not include
19 transportation costs, administrative or overhead costs, the costs of adapting classrooms or
20 materials that are used by more than one student and the costs of fringe benefits of personnel
21 employed by the school district. Instructional costs for the purposes of this reimbursement
22 program also shall not include the salary of personnel providing educational services when such
23 services are not specially designed instruction for the student as part of a qualified literacy
24 intervention program.

25 (c) Instructional costs eligible for reimbursement under the program shall be reported by
26 a school district to the department in a manner prescribed by the commissioner. The department
27 shall review the report and approve those per pupil instructional costs that are eligible for
28 reimbursement pursuant to the program within 30 days of submission. Based upon the approved
29 costs, the department shall calculate the reimbursement due a municipality.

30 (d) Districts shall notify the department within 30 days of any change in previously
31 approved instructional costs, including but not limited to changes in a student's enrollment status
32 in a qualified literacy intervention program.

33 (e) In preparing a budget recommendation for the subsequent fiscal year for consideration
34 by the local appropriating authority, a school district which has reported instructional costs under
35 subsection (c) in the current fiscal year, or which plans to report instructional costs under
36 subsection (c) in the future fiscal year shall project qualified literacy intervention program costs
37 and enrollments, including per pupil instructional costs eligible for reimbursement under this
38 program. The school committee's budget recommendation shall exclude any such instructional
39 costs eligible for reimbursement under this program. Upon receipt of reimbursements paid under
40 this program by the municipal treasurer, in the case of local school districts, or the regional
41 district treasurer in the case of regional school districts, such amounts shall be recorded by the
42 municipality or district as additional appropriations to the school committee, without any further
43 action being required on the part of the local appropriating authority.

44 (f) Local school districts seeking reimbursement for qualified literacy intervention
45 programs shall track and report: numbers of students in grades 1, 2, and 3; numbers of students
46 referred to special education for literacy for each grade; and the overall percentage of students
47 referred to special education for literacy each year. Districts receiving pre-special education
48 reimbursements shall report to the department the numbers and percentages of students in grades
49 1, 2, and 3 who are referred to special education for literacy each year.

50 (g) Reimbursements shall be made based on the previous year's per-pupil instructional
51 costs, as pursuant to subsection (c), in compliance with department of education audits and
52 procedures. Reimbursements shall be made in 4 quarterly payments to coincide with the
53 distribution of funds made available pursuant to said chapter 70. Each quarterly payment shall be

54 equal to 25 per cent of the estimated reimbursements for the previous year's submissions, subject
55 to appropriation.

56 (h) The department shall monitor the effectiveness of the pre-special education referral
57 program. Continued reimbursement for instructional costs of a qualified literacy program shall
58 be contingent on demonstrated reduction of special education literacy referrals of at least 20%
59 after three years. In addition, standardized test results shall be evaluated for districts receiving
60 payments through the pre-special education referral reimbursement program. Continued
61 reimbursement shall be contingent on measurable improvement in literacy scores on statewide
62 literacy assessments.