

**SENATE . . . . . No. 221**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sal N. DiDomenico***

*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 relating to special education evaluation and referral.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

**SENATE . . . . . No. 221**

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 221) of Sal N. DiDomenico, Michael F. Rush, Martin J. Walsh, Carlo Basile and other members of the General Court for legislation relative to special education evaluation and referral. Education.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relating to special education evaluation and referral.

*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 2010  
2 Official Edition, is hereby amended by striking out the first sentence in the sixth paragraph and  
3 inserting in place thereof the following sentence:-

4 Within sixty days after receiving consent from the child’s parents or guardians, the school  
5 committee shall provide an evaluation as hereinafter defined.

6 SECTION 2. Section 3 of said chapter 71B, as so appearing, is hereby further amended  
7 by inserting in the eighth paragraph after the second sentence the following sentence:-

8 Within ninety days after receiving consent from the child’s parents or guardians to  
9 complete an evaluation, those persons assessing the child shall provide the child’s parents or  
10 guardians with a suggested special education program, including placement.

11 SECTION 3. Chapter 111G of the General Laws is hereby amended by inserting after  
12 section 2 the following section:-

13 Section 2A. (a) Programs providing early intervention services shall refer a child who  
14 may be eligible at age three to receive special education services, as defined in section one of  
15 chapter seventy-one B, to the school district where the child is eligible to enroll not later than six  
16 months before the child’s third birthday nor more than nine months before the child’s third  
17 birthday, subject to receiving parental consent for the referral. Programs must document their  
18 requests for parental consent of this referral and the result of these requests. The referral shall  
19 include:

- 20 (i) the child's name;
- 21 (ii) the child's date of birth;
- 22 (iii) contact information, including names, addresses, and telephone numbers of parents  
23 or guardians; and
- 24 (iv) a brief description of the reasons for referral or the nature of the program for which  
25 the child may be eligible.

26 (b) When a program providing early intervention services convenes a conference among  
27 the program, the family of a child who may be eligible at age three to receive special education  
28 services, and the school district where the child is eligible to enroll, to discuss any special  
29 education services the child may receive upon reaching age three, the program shall send written  
30 notice of this conference to the school district no later than five days prior to the conference.

31 SECTION 4. Section 2 of chapter 111G of the General Laws, as appearing in the 2010  
32 Official Edition, is hereby amended by inserting after the third paragraph the following  
33 paragraph:-

34 If the division adopts an opt-out policy that requires programs providing early  
35 intervention services to inform the parents or guardian of a child receiving these services of the  
36 intended disclosure of personally identifiable information and to allow the parents a specified  
37 time to object, this policy shall specify that a parental opt-out must be received after a child's  
38 second birthday in order to prevent the disclosure of such information for the purposes of  
39 planning the child's transition to preschool.