

SENATE No. 224

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 reducing special education referrals and costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

SENATE No. 224

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 224) of Sal N. DiDomenico, Ellen Story, Marjorie C. Decker and Benjamin Swan for legislation to reduce special education referrals and costs. Education.

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:

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

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

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

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

15 “Instructional costs”, costs directly attributable to providing students with one to one
16 literacy teaching intervention services provided as part of a qualified intervention program. Such
17 costs shall include salary of educational personnel, salary of related services personnel, costs for
18 specialized books, materials or equipment. Instructional costs shall not include transportation
19 costs, administrative or overhead costs, the costs of adapting classrooms or materials that are
20 used by more than one student, or the costs of fringe benefits of personnel employed by the

21 school district. Instructional costs for the purposes of this reimbursement program also shall not
22 include the salary of personnel providing educational services when such services are not
23 specially designed instruction for the student as part of a qualified literacy intervention program.

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

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

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

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

48 (f) Reimbursements shall be made based on the previous year's per-pupil instructional
49 costs, as pursuant to subsection (c), in compliance with department of education audits and
50 procedures. Reimbursements shall be made in 4 quarterly payments to coincide with the
51 distribution of funds made available pursuant to chapter 70. Each quarterly payment shall be
52 equal to 25 per cent of the estimated reimbursements for the previous year's submissions, subject
53 to appropriation.

54 (g) The department shall monitor the effectiveness of the pre-special education referral
55 program. Continued reimbursement for instructional costs of a qualified literacy program shall
56 be contingent on demonstrated reduction of special education literacy referrals of at least 20 per
57 cent after 3 years. In addition, standardized test results shall be evaluated for districts receiving

58 payments through the pre-special education referral reimbursement program. Continued
59 reimbursement shall be contingent on measurable improvement in literacy scores on statewide
60 literacy assessments.