

**SENATE . . . . . No. 233**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***James B. Eldridge***

*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 promoting equal opportunities for students with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>David Paul Linsky</i>	<i>5th 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>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

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By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 233) of James B. Eldridge, Kay Khan, Kenneth I. Gordon, David Paul Linsky and other members of the General Court for legislation to provide fair process for students with disabilities. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 203 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act promoting equal opportunities 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 2010  
2 Official Edition, is hereby amended in the twelfth paragraph by inserting after the third sentence  
3 the following sentence:-

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

6 SECTION 2. Said section 3 of said chapter 71B of the General Laws, as so appearing, is  
7 hereby further amended by 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 as a prevailing party if they achieve a favorable  
12 result in defense of the school committee’s action or if they obtain relief on a significant claim as  
13 a result of such request, or an appeal thereof, that effects a material alteration in the parties’ legal  
14 relationship, and is not merely de minimis, whether such relief is the result of a voluntary change  
15 in the school committee’s conduct, a settlement agreement, or a decision or order issued by a  
16 hearing officer or court.