

**HOUSE . . . . . No. 393**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia A. Haddad***

*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 assure opportunity for all students with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/8/2015</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>1/8/2015</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>1/8/2015</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/8/2015</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/8/2015</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>1/8/2015</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/8/2015</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/8/2015</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/8/2015</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/8/2015</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/8/2015</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>1/8/2015</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/8/2015</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/8/2015</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/8/2015</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/8/2015</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/8/2015</i>

<i>Dennis A. Rosa</i>	<i>4th Worcester</i>	<i>1/8/2015</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>	<i>1/8/2015</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/8/2015</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/8/2015</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/8/2015</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/8/2015</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/8/2015</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/8/2015</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>1/8/2015</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/8/2015</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/8/2015</i>

**HOUSE . . . . . No. 393**

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By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 393) of Patricia A. Haddad and others relative to improving procurement procedures to ensure opportunities for students with disabilities. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 415 OF 2013-2014.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act to assure opportunity for all 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 22N of chapter 7 of the General Laws, as most recently amended by  
2 chapter 257 of the Acts of 2010, is hereby amended in the sixth paragraph by inserting after the  
3 first sentence the following 3 sentences:-

4           The division shall establish a subsequent year price for a contractor for goods or services  
5 related to special education as defined in section 1 of chapter 71B located within the  
6 commonwealth by adding a per student annual adjustment amount to the current authorized  
7 price, so called. The per student annual adjustment amount will be determined by multiplying  
8 the current authorized price, so called, by a percentage factor, as determined on an annual basis  
9 by the operational services division. The annual adjustment amount percentage for each cost  
10 component shall correspond to the actual cost component structure of these programs.

11 Section 2. Notwithstanding any general or special law to the contrary, the division of  
12 purchased services of the department of procurement shall promulgate rules and regulations  
13 relative to the pricing of programs approved under chapter 71B of the General Laws for the  
14 purpose of promoting recruitment and retention of all direct care staff and improving  
15 instructional resources. Said rules and regulations shall include the following provisions:-

16 (a) the division shall establish a pricing mechanism, including eligibility and procedural  
17 requirements, that allows approved programs to apply for salary and benefit increases for all  
18 direct care staff including, but not limited to, teachers, related service staff, health care staff and  
19 clinical staff to increase the rate of licensure and certification, as may be required by state or  
20 federal law, and to decrease the rate of staff attrition and to ensure that benefits and salaries are  
21 comparable to the benefits and salaries of similar employees in public schools or relevant  
22 agencies of the commonwealth. Said salaries and benefits shall be prorated for the length of said  
23 programs. The pricing mechanism shall also address department of elementary and secondary  
24 education approved instructional resource upgrades;

25 (b) the department of elementary and secondary education shall, at the next evaluation of  
26 an approved private special education program as required in section 3 of chapter 71B, review  
27 the facilities, textbooks, equipment, technology, materials and supplies of the program necessary  
28 to instruct students in the Massachusetts curriculum frameworks and recommend to the division  
29 pricing adjustments to address needed instructional resource upgrades as determined by the  
30 department; and

31 (c) the division's pricing mechanisms shall not be based upon non-commonwealth or  
32 prior year's revenues. No mechanism established by the division shall delay a program price

33 adjustment for more than 90 days. Private special education programs must provide purchasers,  
34 the department of elementary and secondary education and the operational services division with  
35 a notice of intent to apply for salary and benefit upgrades by October 1 for the following fiscal  
36 year.