

SENATE No. 263

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 to promote a coordinated public school focus on students with disabilities.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|------------------------------|
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> |
| <i>Linda Dorcena Forry</i> | <i>First Suffolk</i> |
| <i>Daniel Cullinane</i> | <i>12th Suffolk</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> |

SENATE No. 263

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 263) of Sal N. DiDomenico, Daniel J. Ryan, Daniel J. Hunt, Linda Dorcena Forry and other members of the General Court for legislation to promote a coordinated public school focus on students with disabilities. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to promote a coordinated public school focus on 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. Subsection (c) of section 89 of chapter 71 of the General Laws , as
2 appearing in the 2012 Official Edition, is hereby amended by inserting after the word
3 “minimum,”, in line 35 the following words:-

4 describes whether the charter school or the district has ultimate responsibility for
5 complying with laws regulating special education,

6 SECTION 2. Section 89 of chapter 71 of the General Laws, as so appearing, is hereby
7 amended by striking out subsection (s) and inserting in place thereof the following subsection:-

8 (s) A charter school shall operate in accordance with its charter and the provisions of law
9 regulating other public schools; provided, however, that sections 41 and 42 shall not apply to
10 employees of commonwealth charter schools. Charter schools shall comply with chapters 71A
11 and 71B; provided, however, that the fiscal responsibility of a special needs student currently
12 enrolled in or determined to require a private day or residential school shall remain with the

13 school district where the student resides. If a charter school expects that a special needs student
14 currently enrolled in the charter school may be in need of the services of a private day or
15 residential school, it shall convene an individual education plan team meeting for the student.
16 Notice of the team meeting shall be provided to the special education department of the school
17 district in which the child resides at least 5 days in advance. Personnel from the school district in
18 which the child resides shall participate in the team meeting concerning future placement of the
19 child, unless the special education department of the school district elects not to participate in the
20 meeting and communicates this decision in writing to the charter school. At any time after
21 notification and before the team meeting, and again at the team meeting, personnel from the
22 school district in which the child resides shall be allowed to share with team members any in-
23 district programs that could provide the services recommended by the team.

24 If the team determines that the child requires a private day or residential school
25 placement, the child is still considered part of the charter school population. The charter school
26 must reserve a seat for the child, who continues to be part of the total enrollment count in the
27 charter school. However, the district shall not owe any part of the tuition for this child to the
28 charter school, nor shall this child's tuition amount be part of the total tuition amount the charter
29 school receives from the district where the child resides.