

SENATE No. 67

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>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>

SENATE No. 67

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 67) of Sal N. DiDomenico, Daniel J. Ryan, Benjamin Swan, Daniel J. Hunt and other members of the General Court for legislation relative to special education evaluation and referral. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

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

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

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

10 (i) the child’s name;

11 (ii) the child’s date of birth;

12 (iii) contact information, including names, addresses, and telephone numbers of parents
13 or guardians; and

14 (iv) a brief description of the reasons for referral or the nature of the program for which
15 the child may be eligible.

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

21 SECTION 2. Section 2 of chapter 111G of the General Laws, as appearing in the 2012
22 Official Edition, is hereby amended by inserting after the third paragraph the following
23 paragraph:-

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