

**HOUSE . . . . . No. 264**

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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 relative to special education funding.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/5/2017</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	
<i>Frank A. Moran</i>	<i>17th Essex</i>	
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	

<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>

<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	
<i>John H. Rogers</i>	<i>12th Norfolk</i>	
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	
<i>Carlos González</i>	<i>10th Hampden</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	

**HOUSE . . . . . No. 264**

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By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 264) of Patricia A. Haddad and others relative to special education funding. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 392 OF 2015-2016.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to special education funding.

*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 2 of chapter 70 of the General Law, as appearing in the 2010  
2 Official Edition, is hereby amended by striking out the definitions of “assumed tuitioned-out  
3 special education enrollment” and “assumed in-school special education enrollment” and  
4 inserting in place thereof the following definitions:-

5           "Assumed tuitioned-out special education enrollment”, the statewide average percentage  
6 of students included in foundation enrollments who participate in an Individual Education Plan  
7 and attend an out-of-district placement. The percentage shall be based on the statewide average  
8 tuitioned-out special education enrollment for the preceding academic year, or the statewide  
9 average tuitioned-out special education enrollment for the preceding fiscal year, whichever is  
10 lower.

11 "Assumed in-school special education enrollment", the statewide average percentage of  
12 students included in foundation enrollments who participate in an Individual Education Plan and  
13 attend an in-district placement. The percentage shall be based on the statewide average in-school  
14 special education enrollment for the preceding academic year, or the statewide average in-school  
15 special education enrollment for the preceding fiscal year, whichever is lower.

16 SECTION 2. Section 5A (a) of chapter 71B, as so appearing, is hereby amended by  
17 striking out the fourth sentence.

18 SECTION 3. Section 5A (b) of chapter 71B, as so appearing, is hereby amended by  
19 striking out the words "transportation costs" from the third sentence.

20 SECTION 4. Section 5A (c) of chapter 71B, as so appearing, is hereby amended by  
21 striking out the last sentence of the first paragraph and inserting in place thereof the following  
22 sentence:-

23 The costs of programs shall be reimbursed according to the following formula: In fiscal  
24 year 2018 school districts will receive eighty percent of approved costs, including transportation  
25 costs, if the city, town, or district utilizes a regional transportation network to reduce  
26 transportation costs or other collaborative and demonstrated efforts to reduce such costs, above  
27 3.75 times the per pupil foundation budget; eighty percent of all such costs above 3.5 times the  
28 per pupil foundation budget for fiscal year 2019; eighty percent of all such costs above 3.25 per  
29 pupil foundation budget for fiscal year 2020 and eighty percent of all such costs above 3.0 times  
30 the per pupil foundation budget for fiscal year 2021 and hereafter. In fiscal year 2018, each  
31 school district shall be reimbursed at no less than the same amount of approved costs in the  
32 preceding fiscal year.