

HOUSE No. 449

The Commonwealth of Massachusetts

PRESENTED BY:

Kimberly N. Ferguson

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 in the foundation budget.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>

<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>

HOUSE No. 449

By Mrs. Ferguson of Holden, a petition (accompanied by bill, House, No. 449) of Kimberly N. Ferguson and others relative to special education in the foundation budget. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to special education in the foundation budget.

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 Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the definition of “Assumed in-school special
3 education enrollment” and inserting in place there the following definition:-

4 “Assumed in-school special education enrollment”, 4 per cent of the total foundation
5 enrollment in a district, not including vocational or preschool enrollment, plus 5 per cent of
6 vocational enrollment.

7 SECTION 2. Said section 2 of said chapter 70, as so appearing, is hereby further
8 amended by striking the definition of “foundation special education tuition” and inserting in
9 place thereof the following definition:-

10 “Foundation special education tuition”, the amount allotted within a district’s foundation
11 budget for special education tuition in any fiscal year. The value shall be the product of 3 times

12 the statewide foundation budget per pupil amount and the assumed tuitioned-out special
13 education enrollment.

14 SECTION 3. Chapter 70 of the General laws is hereby further amended by inserting after
15 section 4 the following section:-

16 Section 4A. Notwithstanding any general or special law to the contrary, paragraphs 4 and
17 84, of section 2 of chapter 70 shall be fully implemented by fiscal year 2021; provided, that the
18 rates for implementation shall be determined annually by the legislature based on cost estimates
19 to be provided annually by the department; provided further, that if revenue projections for the
20 following fiscal year significantly exceed the available revenues for the current fiscal year, the
21 rates for assumed in-school special education enrollment may increase at higher rates to be
22 determined by the legislature.

23 SECTION 4. This act shall take effect on December 31, 2019.