

**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:	DATE ADDED:
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/17/2019</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>1/29/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/22/2019</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/28/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/29/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/29/2019</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>1/29/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/29/2019</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/29/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/29/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/29/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/30/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>1/31/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/31/2019</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>1/31/2019</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>1/31/2019</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>1/31/2019</i>

<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/31/2019</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>2/1/2019</i>
<i>Dean A. Tran</i>	<i>Worcester and Middlesex</i>	<i>2/1/2019</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/1/2019</i>

**HOUSE . . . . . No. 449**

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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.

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**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.