

SENATE No. 274

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 education.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|----------------------------|------------------------------------|------------------|
| <i>Diana DiZoglio</i> | <i>First Essex</i> | |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> | <i>1/29/2019</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>1/29/2019</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>2/1/2019</i> |
| <i>Edward J. Kennedy</i> | <i>First Middlesex</i> | <i>2/6/2019</i> |

SENATE No. 274

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 274) of Diana DiZoglio, Josh S. Cutler, Patrick M. O'Connor, Michael D. Brady and others for legislation relative transportation reimbursement to out of district schools for special needs students. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 300 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act relative to education.

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 71B of the General Laws, is hereby further amended by inserting
2 after Section 5C the following section:-

3 Section 5D. The Commonwealth shall fully fund municipalities for the cost of
4 transportation of a special education student to an out-of-district program; and provided, further,
5 that the private transporter of the child accepts rates of payment for such transportation as
6 determined by the department of elementary and secondary education. Said funding shall be in
7 addition to amounts distributed pursuant to chapter 70 and shall not be included in the
8 calculation of base aid, as defined in said chapter 70, for any subsequent fiscal year. The
9 department of elementary and secondary education shall define those costs associated with
10 providing transportation for pupils to out-of-district programs that shall be eligible for

11 reimbursement under this program. The board of elementary and secondary education shall
12 promulgate rules and regulations establishing a process by which school districts may seek and
13 accept reimbursement from insurers and similar third party payors for health care goods or
14 services provided under an individualized education plan which constitute medically necessary
15 treatment for disease, illness, injury, or bodily dysfunction.

16 SECTION 2. Section 3 of chapter 70 of the General Laws, is hereby amended by
17 inserting at the end the following:

18 “The foundation funding formula shall make the following changes:

19 1. Increase the average tuition to \$35,000

20 2. The special education enrollment shall be adjusted for in district students to 4% and
21 5% for vocational students.”

22 SECTION 3. That a special commission is hereby established for the purpose of
23 conducting an investigation and study of residency with regards to students that are transient as
24 they pertain to education and fiscal and programmatic process. The commission shall study and
25 recommend strategies that address fiscal and programmatic responsibility. The commission shall
26 make recommendations on defining residency as it pertains to these students.

27 The commission shall consist of the house and senate chairs of the joint committee on
28 education, who shall serve as co-chairs of the commission or the chairs designee; 1 member to be
29 appointed by the senate minority leader; 1 member to be appointed by the house minority leader;
30 the commissioner of elementary and secondary education or the commissioner’s designee; and 2
31 persons to be appointed by the governor. All appointments shall be made not later than 30 days

32 after the effective date of this resolve. The chairpersons shall meet with the commission not later
33 than 60 days after the effective date of this resolve.

34 SECTION 4. Notwithstanding any general special law to the contrary, the Department of
35 Elementary and Secondary Education is hereby authorized and directed to standardize the
36 qualifications of special education dispute arbitrators.