

HOUSE No. 4538

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 31, 2022.

The committee on Education to whom was referred the petition (accompanied by bill, House, No. 565) of Marjorie C. Decker and others for legislation to ensure equitable access to education and special education services for all students, reports recommending that the accompanying bill (House, No. 4538) ought to pass [Representative Pease of Westfield dissents].

For the committee,

ALICE HANLON PEISCH.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to ensure equitable access to education, including special education services, for all students in Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding section 17 of chapter 132 of the acts of 2019, or any general or special
2 law to the contrary, the data advisory commission established pursuant to said section 17 of
3 chapter 132 of the acts of 2019 shall study and make recommendations within their annual report
4 on the need and ability of the department of elementary and secondary education to publish and
5 report:

6 (i) student-specific data provided by school committees and charter schools pursuant to:
7 section 1I of Chapter 69; sections 37G, 37H, 37O, 37P, and 89 of Chapter 71 of the General
8 Laws; sections 3 and 7 of Chapter 71A of the General Laws; section 6 of Chapter 71B of the
9 General Laws; section 2A of Chapter 72 of the General Laws; statewide assessment data utilized
10 as a basis for competency determinations pursuant to section 1D of chapter 69 of the General
11 Laws; and any other data required by the federal office of education;

12 (ii) said data in subsection (i) in a manner that can be cross-tabulated by: each major
13 racial and ethnic group; sex; economic status; high needs status; English learner status; and

14 category of disability, if applicable; and presented statewide and also disaggregated by school
15 district and individual school in a manner that is anonymized and does not reveal personally
16 identifiable information about an individual student;

17 (iii) the number of children, by grade level, within each disability category receiving
18 specific special education services, including but not limited to: each related service; assistive
19 technology, including but not limited to augmentative and alternative communication;
20 supplementary aids and services; positive behavioral interventions and supports; behavioral
21 intervention plans; vocational education; travel training; and community-based transition
22 services;

23 (iv) said data in subsection (iii) that can be cross-tabulated by each major racial and
24 ethnic group, sex, economic status, and English learner status of children by age level, including
25 but not limited to delivery of: each related service; assistive technology, including but not limited
26 to augmentative and alternative communication; supplementary aids and services; positive
27 behavioral interventions and supports; behavioral intervention plans; vocational education; travel
28 training; and community-based transition services;. provided, said information shall be presented
29 statewide and also disaggregated by school district, and individual school in a manner that is
30 anonymized and does not reveal personally identifiable information about an individual student;
31 and

32 (v) whether there is a statistically significant increase in the rates of assignment of
33 students with disabilities to substantially separate classrooms for any racial or ethnic group in
34 any of the five years following the Governor's Declaration of a State of Emergency due to
35 COVID-19 in March 2020, as compared to the 2018-19 school year.