

HOUSE No. 611

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 to assure opportunity for all students with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/7/2021</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/19/2021</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>3/3/2021</i>

HOUSE No. 611

By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 611) of Patricia A. Haddad, James M. Murphy and Mark J. Cusack relative to improving procurement procedures to ensure opportunities for students with disabilities. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 477 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to assure opportunity for all students with disabilities.

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 22N of chapter 7 of the General Laws, as most recently amended by
2 chapter 257 of the Acts of 2010, is hereby amended in the sixth paragraph by inserting after the
3 first sentence the following 3 sentences:-

4 The division shall establish a subsequent year price for a contractor for goods or services
5 related to special education as defined in section 1 of chapter 71B located within the
6 commonwealth by adding a per student annual adjustment amount to the current authorized
7 price, so called. The per student annual adjustment amount will be determined by multiplying
8 the current authorized price, so called, by a percentage factor, as determined on an annual basis
9 by the operational services division. The annual adjustment amount percentage for each cost
10 component shall correspond to the actual cost component structure of these programs.

11

12 Section 2. Notwithstanding any general or special law to the contrary, the division of
13 purchased services of the department of procurement shall promulgate rules and regulations
14 relative to the pricing of programs approved under chapter 71B of the General Laws for the
15 purpose of promoting recruitment and retention of all direct care staff and improving
16 instructional resources. Said rules and regulations shall include the following provisions:-

17 (a) the division shall establish a pricing mechanism, including eligibility and procedural
18 requirements, that allows approved programs to apply for salary and benefit increases for all
19 direct care staff including, but not limited to, teachers, related service staff, health care staff and
20 clinical staff to increase the rate of licensure and certification, as may be required by state or
21 federal law, and to decrease the rate of staff attrition and to ensure that benefits and salaries are
22 comparable to the benefits and salaries of similar employees in public schools or relevant
23 agencies of the commonwealth. Said salaries and benefits shall be prorated for the length of said
24 programs. The pricing mechanism shall also address department of elementary and secondary
25 education approved instructional resource upgrades;

26 (b) the department of elementary and secondary education shall, at the next evaluation of
27 an approved private special education program as required in section 3 of chapter 71B, review
28 the facilities, textbooks, equipment, technology, materials and supplies of the program necessary
29 to instruct students in the Massachusetts curriculum frameworks and recommend to the division
30 pricing adjustments to address needed instructional resource upgrades as determined by the
31 department; and

32 (c) the division's pricing mechanisms shall not be based upon non-commonwealth or
33 prior year's revenues. No mechanism established by the division shall delay a program price
34 adjustment for more than 90 days. Private special education programs must provide purchasers,
35 the department of elementary and secondary education and the operational services division with
36 a notice of intent to apply for salary and benefit upgrades by October 1 for the following fiscal
37 year.