

# HOUSE . . . . . No. 4681

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 30, 2024.

The committee on Education, to whom were referred the petition (accompanied by bill, House, No. 425) of James Arciero, Vanna Howard and Michelle M. DuBois for legislation to ensure equitable representation of required parent advisory councils to school committees, the petition (accompanied by bill, House, No. 430) of Bruce J. Ayers relative to accommodations for special needs students taking the Massachusetts Comprehensive Assessment System (MCAS) examination, the petition (accompanied by bill, House, No. 442) of Daniel R. Carey, Vanna Howard and Joanne M. Comerford for legislation to establish a special commission (including members of the General Court) relative to special education funding reform, the petition (accompanied by bill, House, No. 449) of Josh S. Cutler relative to the rights of employees in education collaboratives, the petition (accompanied by bill, House, No. 454) of Marjorie C. Decker and others for legislation to ensure equitable access to education and special education services for all students, the petition (accompanied by bill, House, No. 472) of Michelle M. DuBois relative to transportation of special needs students, the petition (accompanied by bill, House, No. 499) of Kevin G. Honan relative to athletic activities of students with disabilities, the petition (accompanied by bill, House, No. 535) of Paul McMurtry, Kathleen R. LaNatra and Priscila S. Sousa relative to neurodiversity education, the petition (accompanied by bill, House, No. 547) of Alice Hanlon Peisch, Sally P. Kerans and Vanna Howard relative to special education finance, the petition (accompanied by bill, House, No. 550) of Alice Hanlon Peisch and Michael J. Barrett relative to access to certain schools for vulnerable students, the petition (accompanied by bill, House, No. 571) of Adam Scanlon, Michael P. Kushmerek and others for legislation to establish a special commission (including members of the General Court) relative to the long-term fiscal health and sustainability of special education, the petition (accompanied by bill, House, No. 3568) of Rob Consalvo relative to school transportation cost reimbursement for families of students with

disabilities, the petition (accompanied by bill, House, No. 3943) of Brian M. Ashe relative to the language readiness of deaf, deafblind, and hard-of-hearing children entering kindergarten, and the petition (accompanied by bill, House, No. 3944) of Manny Cruz relative to school site councils and district parent advisory councils, reports recommending that the accompanying bill (House, No. 4681) ought to pass.

For the committee,

DENISE C. GARLICK.

**HOUSE . . . . . No. 4681**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to special 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. (a) Notwithstanding section 17 of chapter 132 of the acts of 2019, or any  
2 general or special law to the contrary, the data advisory commission established pursuant to said  
3 section 17 of chapter 132 of the acts of 2019 shall study and make recommendations within their  
4 annual report on the rationale and capacity of the department of elementary and secondary  
5 education to publish and 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 United States Department 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; gender; low income 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 any 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; behavioral intervention plans; vocational education; travel  
21 training; and community-based transition services;

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

31 (v) whether there is a statistically significant increase in the rates of assignment of  
32 students with disabilities to substantially separate classrooms for any racial or ethnic group  
33 compared to the average of the prior 3 years.

34 (b) The department shall publish the data that is determined by the data advisory  
35 commission to have rationale to be published, be within the department's capacity, and does not

36 reveal personally identifiable information about any individual student beginning with data  
37 collected from the 2027-2028 school year. The department shall report all categories of data that  
38 the department determines cannot be publicly disclosed and does not reveal personally  
39 identifiable information about any individual student to the clerks of the house of representatives  
40 and the senate, the house and senate committees on ways and means, and the joint committee on  
41 education, including an explanation for the reason these data are not able to be published  
42 publicly.

43 SECTION 2. Section 1B of chapter 69 of the General Laws, as so appearing, is hereby  
44 amended by inserting after the seventh paragraph the following paragraph:-

45 The board shall annually publish a supplemental report containing student achievement  
46 data for each approved private day or residential special education school or program. The data  
47 shall include student performance on the statewide assessment system approved by the board  
48 under section 1I.

49 SECTION 3. Section 1I of said chapter 69, as so appearing, is hereby further amended by  
50 striking out, in line 250, the word “and”.

51 SECTION 4. Said section 1I of said chapter 69, as so appearing, is hereby further  
52 amended by inserting after the word “learners”, in line 252, the following words:-

53 ; and (i) the number of children, by grade level, within each disability category receiving  
54 specific special education services, including but not limited to: each related service, as defined  
55 in 20 U.S.C. 1400 et seq; assistive technology, including but not limited to augmentative and  
56 alternative communication; supplementary aids and services; behavioral intervention plans;  
57 vocational education; travel training; and community-based transition services.

58 SECTION 5. Section 6 of said chapter 71B, as so appearing, is hereby further amended  
59 by inserting after the word “assignment”, in line 6, the following words:-

60 or pattern of delivery of specific special education services

61 SECTION 6. Said chapter 71B of the General Laws is hereby amended by inserting after  
62 section 10 the following new section: -

63 Section 10A. Each private special education school or program that enrolls students  
64 funded by the commonwealth or its political subdivisions shall file annual reports with the  
65 department of elementary and secondary education. Each approved private special education  
66 school or program and special education school that enrolls students funded by the  
67 commonwealth shall annually prepare financial statements, including: (1) a statement of net  
68 assets; (2) a statement of revenues, expenditures, and changes in net assets; and (3) such  
69 supplemental statements and schedules that may be required by the department. Each school or  
70 program shall annually conduct an audit which shall include, but not be limited to, its financial  
71 statements consistent with the generally accepted governmental auditing standards. Each school  
72 or program shall file a report with the audit and any related management letters annually on or  
73 before January 1 for the previous fiscal year with the department and the state auditor and shall  
74 submit a copy of the audit report and any related management letters to each school district that  
75 enrolled students in the private special education school during the period covered by the audit  
76 report.

77 The audited financial statements, accompanying notes and schedules shall disclose, but  
78 not be limited to: (1) transactions between the private special education school and any related  
79 for profit or non-profit organization; (2) transactions or contracts related to the purchase, sale or

80 lease of real estate property; (3) the names, duties and total compensation of the 5 most highly  
81 compensated employees; (4) the amounts expended on administration and overhead; (5)  
82 information on programs and services provided by the school, including the cost effectiveness of  
83 such programs and services; and (6) any other items that may be required by regulation.

84 SECTION 7. Notwithstanding any general or special law to the contrary, the secretary of  
85 education shall, in consultation with the department of elementary and secondary education, the  
86 department of early education and care, and the operational services division, study and make  
87 recommendations regarding the oversight of approved private day or residential special  
88 education schools or programs.

89 The recommendations shall provide information on topics including, but not limited to:  
90 (1) best practices of licensing, monitoring and oversight of approved private day or residential  
91 special education schools or programs; (2) the collection of data related to providing appropriate  
92 educational programming; (3) the collection of data related to providing the most appropriate  
93 services to students in approved private day or residential special education schools or programs;  
94 (4) consideration of the relevant aspects of the statute governing education collaboratives, as  
95 defined in section 4E of Chapter 40, and their potential application to approved private day or  
96 residential special education schools or programs; (5) the collection of data relevant to the  
97 structure for congregate care for students and review of the appropriate agency placement  
98 policies; and (6) best practices for workforce development, including but not limited to staffing  
99 models, trainings, and professional development.

100 In developing recommendations, the secretary of education, the department of elementary  
101 and secondary education, the department of early education and care, and the operational

102 services division shall consult with and solicit input from various persons and groups, including  
103 but not limited to, the department of developmental services; the division of local services; the  
104 Massachusetts Association of Approved Special Education Schools; the executive directors of  
105 approved private day or residential special education schools or programs of varying size and  
106 scope throughout the commonwealth; organizations representing individuals with developmental  
107 disabilities; district directors of special education throughout the commonwealth; organizations  
108 representing children with disabilities and their parent or legal guardian; and associations  
109 representing special education administrators and other education administrators, school  
110 officials, and municipal officials.

111           The secretary of education shall file a report, including any analysis or recommendations,  
112 with the clerks of the house of representatives and senate not later than 12 months following the  
113 passage of this act.