

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Adam J. Scanlon and Michael P. Kushmerek*

*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 the long-term fiscal health and sustainability of special education in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>1/6/2025</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>1/6/2025</i>

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

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to the long-term fiscal health and sustainability of special education in the Commonwealth.

*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) There shall be a special commission to study Chapter 71B and make  
2 recommendations toward the long-term fiscal health and sustainability of Special Education  
3 throughout the Commonwealth, and make recommendations to consider all matters pertaining to  
4 the improvement of fiscal health and educational outcomes. The commission shall examine the  
5 impact and efficacy of special education funding in the Commonwealth.

6           SECTION 16. Said chapter 71B of the General Laws is:(a) hereby established, pursuant  
7 to section 2A of chapter 4 of the General Laws, a special education financing legislative  
8 commission to review the commonwealth’s system for financing special education and make  
9 recommendations for a more equitable system that provides adequate funding to local school  
10 districts to meet the costs of providing high quality education to students with disabilities.

11           (b) The commission’s review shall evaluate the commonwealth’s current special  
12 education financing structure and make recommendations to achieve the following goals:

13 (1) special education funds shall be sufficient to allow all schools to provide a high  
14 quality education in the least restrictive environment that meets the unique needs of each eligible  
15 student;

16 (2) special education funds provided to school districts shall recognize the variation in the  
17 resources that are required to provide students with different disabilities a high quality education;

18 (3) districts with more students receiving special education services shall equitably  
19 receive more state special education assistance funding than districts with fewer students  
20 receiving special education services;

21 (4) districts with less local resources shall equitably receive more state special education  
22 assistance funding than districts with more local resources;

23 (5) special education funds shall be relatively predictable and stable to enable school  
24 districts to budget effectively and implement multi-year plans; Circuit Breaker reimbursement  
25 not less than 90%.

26 (6) the special education funding system shall promote the efficient use of funds without  
27 incentivizing the under or misdiagnosis of students with disabilities;

28 (7) the special education funding system shall promote flexibility and innovation in  
29 providing high quality education;

30 (8) the special education funding system shall limit local financial responsibility for  
31 providing education to students with extraordinary needs; include circuit breaker reimbursement  
32 for Pre-K and kindergarten out of district placements.

33 (9) the special education funding system shall provide sufficient funds to meet the costs  
34 of transportation of special education students. Circuit Breaker Special Education transportation  
35 reimbursement not less than 90%.

36 (a) In carrying out the review, the commissioner of elementary and secondary education  
37 shall provide to the commission any data and information relevant to the commission's charge.  
38 The commissioner of elementary and secondary education shall furnish reasonable staff and  
39 other support for the work of the commission.

40 (b) Prior to issuing its recommendations, the commission shall conduct not fewer than 4  
41 public hearings across regions of the commonwealth.

42 (c) The special commission shall consist of the chairs of the joint committee on  
43 education, the commissioner of education or designee, one member of the house of  
44 representatives to be appointed by the speaker, one member of the senate to be appointed by the  
45 senate president, and eight members to be appointed by the governor, one of whom shall be a  
46 representative of the Massachusetts Administrators for Special Education, one of whom shall be  
47 a representative of the Massachusetts Association of School Committees, one of whom shall be a  
48 representative of the Massachusetts Association of School Superintendents, one of whom shall  
49 be a member of Parent Teacher Association, one of whom shall be a member of the  
50 Massachusetts Municipal Association, Inc., one of whom shall be a member of the  
51 Massachusetts Business Alliance for Education, Inc., one of whom shall be a representative of  
52 the Massachusetts School Counselors Association, one of whom shall be a representative of the  
53 Massachusetts School Administrators Association, one of whom shall be a member of

54 Massachusetts Organization of Educational Collaboratives, and one of who shall be a member of  
55 Massachusetts Association of School Business Officials.

56 (d) It shall not constitute a violation of chapter 268A of the General Laws for a person  
57 employed by a school district to serve on the commission or to participate in commission  
58 deliberations that may have a financial impact on the district employing that person or on the rate  
59 at which that person may be compensated. The commission may establish procedures to ensure  
60 that no such person participates in commission deliberations that may directly affect the school  
61 districts employing those persons or that may directly affect the rate at which those persons are  
62 compensated.

63 (f) The commission shall file its report with the clerks of the house of representatives and  
64 the senate on or before June 30, 2025. A copy of the report and recommendations shall be made  
65 publicly available on the website of the department of elementary and secondary education and  
66 submitted to the joint committee on education, the joint committee on children, families and  
67 persons with disabilities, and the house and senate committees on ways and means.

68 SECTION 2. Section 5A of chapter 71B of the General Laws, as appearing in the 2020  
69 Official Edition, is hereby amended by striking out, in subsection (c), the number “75”, and  
70 inserting in place thereof the number “90”.

71 SECTION 3. (b) Section 5A of chapter 71B of the General Laws, as appearing in the  
72 2020 Official Edition, is hereby amended by inserting after the word “threshold.”, the following:  
73 Transportation costs shall be reimbursed at 90%.

74 SECTION 4. Section 5A of chapter 71B of the General Laws, as appearing in the 2020  
75 Official Edition, is hereby amended by striking out, in subsection (a), after “Approved Costs  
76 Threshold”, the number “\$45,793”, and inserting in place thereof the number “\$37,120”.

77 SECTION XX. (Other section information needed: The Department of Elementary and  
78 Secondary Education shall, subject to appropriation, provide funding to educational  
79 collaboratives, as defined in this section, for a portion of the per pupil facilities needs component  
80 included in the Collaborative tuition amount and shall reimburse the sending school districts for  
81 said costs. In fiscal year 2025 and thereafter, such funding shall not be less than \$4320 per pupil  
82 and adjusted by the foundation inflation index, as defined in section 2 of chapter 70, in each  
83 subsequent year.