

# SENATE . . . . . No. 2864

---

## The Commonwealth of Massachusetts

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

SENATE, December 15, 2025.

The committee on Education, to whom was referred the petitions (accompanied by bill, Senate, No. 383) of John F. Keenan for legislation to create a facilities loan program for private special education schools; (accompanied by bill, Senate, No. 430) of Jacob R. Oliveira, Joanne M. Comerford, Vanna Howard, Michael D. Brady and other members of the General Court for legislation for a special commission to review and value the commonwealth's current special education financing structure; (accompanied by resolve, Senate, No. 442) of Rebecca L. Rausch for legislation to establish a special commission on special education funding; (accompanied by bill, Senate, No. 454) of Bruce E. Tarr for legislation relative to conduct a study on the delivery of special education services; and (accompanied by bill, Senate, No. 455) of Bruce E. Tarr relative to the foundation funding of special education, report the accompanying bill (Senate, No. 2864).

For the committee,  
Jason M. Lewis

**SENATE . . . . . No. 2864**

---

**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 as well as ways to improve the delivery of  
6       special education services in the Commonwealth.

7           (b) The commission's review shall evaluate the commonwealth's current special  
8       education financing structure and delivery and make recommendations to achieve the following  
9       goals:

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

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

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

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

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

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

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

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

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

(10) best practices regarding the delivery of special education services shall be examined in order to provide an intersectional understanding of the current delivery of education and services for students with disabilities, and shall take into consideration (i) the social and societal impacts on the diagnosis of students with disabilities including, but not limited to, race, ethnicity, gender, immigration status, parents' education background and socioeconomic status; (ii) a comprehensive evaluation of existing and potential models for providing education and services for students with disabilities, in both inclusive in-district and out-of-district settings and the associated costs and benefits including, but not limited to, the costs of personnel compensation, transportation, housing, specialized services and supports and assistive technologies; and (iii) proposed means by which individualized instruction may be provided in an inclusive manner to all students.

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

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

(e) The special commission shall consist of the chairs of the joint committee on education, the commissioner of education or designee, one member of the house of representatives to be appointed by the speaker, one member of the senate to be appointed by the senate president, and ten members to be appointed by the governor, one of whom shall be a representative of the Massachusetts Administrators for Special Education, one of whom shall be

a representative of the Massachusetts Association of School Committees, one of whom shall be a representative of the Massachusetts Association of School Superintendents, one of whom shall be a member of Parent Teacher Association, one of whom shall be a member of the Massachusetts Municipal Association, Inc., one of whom shall be a member of the Massachusetts Business Alliance for Education, Inc., one of whom shall be a representative of the Massachusetts School Counselors Association, one of whom shall be a representative of the Massachusetts School Administrators Association, one of whom shall be a member of Massachusetts Organization of Educational Collaboratives, one of whom shall be a member of Massachusetts Association of School Business Officials, one of whom shall be a representative of the Massachusetts Teachers Association, and one of whom shall be a representative of American Federation of Teachers Massachusetts.

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

(g) The commission shall file its report with the clerks of the house of representatives and the senate on or before June 30, 2027. A copy of the report and recommendations shall be made publicly available on the website of the department of elementary and secondary education and submitted to the joint committee on education, the joint committee on children, families and persons with disabilities, and the house and senate committees on ways and means.

78           SECTION 2. Section 5A of chapter 71B of the General Laws, as appearing in the 2020  
79   Official Edition, is hereby amended by striking out, in subsection (c), the number “75”, and  
80   inserting in place thereof the number “80”.

81           SECTION 3. (b) Section 5A of chapter 71B of the General Laws, as appearing in the  
82   2020 Official Edition, is hereby amended by inserting after the word “threshold.”, the following:  
83   Transportation costs shall be reimbursed at 80%.