

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jacob R. Oliveira

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:

Jacob R. Oliveira

DISTRICT/ADDRESS:

Hampden, Hampshire and Worcester

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 SECTION 3. (b) Section 5A of chapter 71B of the General Laws, as appearing in the
70 2020 Official Edition, is hereby amended by inserting after the word “threshold.”, the following:
71 Transportation costs shall be reimbursed at 90%.

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

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

80 SECTION 7. Section 40 Chapter 4 E of the General Laws, as appearing in the 2022
81 Official Edition, is hereby amended by adding the following language: The Department of
82 Elementary and Secondary Education shall, subject to appropriation, provide funding to
83 educational collaboratives, as defined in this section, for a portion of the per pupil facilities needs
84 component included in the Collaborative tuition amount and shall reimburse the sending school
85 districts for said costs. In fiscal year 2025 and thereafter, such funding shall not be less than
86 \$4320 per pupil and adjusted by the foundation inflation index, as defined in section 2 of chapter
87 70, in each subsequent year.