

**HOUSE . . . . . No. 392**

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 relative to special education funding.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>

<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>

**HOUSE . . . . . No. 392**

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By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 392) of Patricia A. Haddad and others relative to special education funding. Education.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3287 OF 2013-2014.]

The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act relative to special education funding.

*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 2 of chapter 70 of the General Law, as appearing in the 2010  
2 Official Edition, is hereby amended by striking out the definitions of “assumed tuitioned-out  
3 special education enrollment” and “assumed in-school special education enrollment” and  
4 inserting in place thereof the following definitions:-

5 "Assumed tuitioned-out special education enrollment”, the statewide average percentage  
6 of students included in foundation enrollments who participate in an Individual Education Plan  
7 and attend an out-of-district placement. The percentage shall be based on the statewide average  
8 tuitioned-out special education enrollment for the preceding academic year, or the statewide  
9 average tuitioned-out special education enrollment for the preceding fiscal year, whichever is  
10 lower.

11 "Assumed in-school special education enrollment", the statewide average percentage of  
12 students included in foundation enrollments who participate in an Individual Education Plan and  
13 attend an in-district placement. The percentage shall be based on the statewide average in-school  
14 special education enrollment for the preceding academic year, or the statewide average in-school  
15 special education enrollment for the preceding fiscal year, whichever is lower.

16 SECTION 2. Section 5A (a) of chapter 71B, as so appearing, is hereby amended by  
17 striking out the fourth sentence.

18 SECTION 3. Section 5A (b) of chapter 71B, as so appearing, is hereby amended by  
19 striking out the words "transportation costs" from the third sentence.

20 SECTION 4. Section 5A (c) of chapter 71B, as so appearing, is hereby amended by  
21 striking out the last sentence of the first paragraph and inserting in place thereof the following  
22 sentence:-

23 The costs of programs shall be reimbursed according to the following formula: In fiscal  
24 year 2016 school districts will receive eighty percent of approved costs, including transportation  
25 costs, if the city, town, or district utilizes a regional transportation network to reduce  
26 transportation costs or other collaborative and demonstrated efforts to reduce such costs, above

27 3.75 times the per pupil foundation budget; eighty percent of all such costs above 3.5  
28 times the per pupil foundation budget for fiscal year 2017; eighty percent of all such costs above  
29 3.25 per pupil foundation budget for fiscal year 2018 and eighty percent of all such costs above  
30 3.0 times the per pupil foundation budget for fiscal year 2019 and hereafter. In fiscal year  
31 2016 each school district shall be reimbursed at no less than the same amount of approved costs  
32 in the preceding fiscal year.