

HOUSE No. 442

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Carey

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 establishing a special education funding reform commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>1/19/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/21/2023</i>

HOUSE No. 442

By Representative Carey of Easthampton, a 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. Education.

The Commonwealth of Massachusetts

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

An Act establishing a special education funding reform commission.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 There shall be a Special Education Financing Commission to review the
2 Commonwealth’s system for financing special education and make recommendations for a more
3 equitable system that provides adequate funding to local school districts to meet the costs of
4 providing high quality education to students with disabilities.

5 The commission’s review shall evaluate the commonwealth’s current special education
6 financing structure and make recommendations to achieve the following goals:

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

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

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

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

17 (5) special education funds shall be relatively predictable and stable to enable school
18 districts to budget effectively and implement multi-year plans;

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

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

23 (8) the special education funding system shall limit local financial responsibility for
24 providing education to students with extraordinary needs; and

25 (9) the special education funding system shall provide sufficient funds to meet the costs
26 of transportation of special education students.

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

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

33 The commission shall include the house and senate chairs of the joint committee on
34 education, who shall serve as co-chairs, the governor or a designee, the secretary of education,
35 the commissioner of elementary and secondary education, the commissioner of early education
36 and care, the director of the Massachusetts office on disability, the speaker of the house of
37 representatives or a designee, the president of the senate or a designee, the minority leader of the
38 house of representatives or a designee, the minority leader of the senate or a designee, the chair
39 of the house committee on ways and means or a designee, the chair of the senate committee on
40 ways and means or a designee, the house and senate chairs of the joint committee on children,
41 families and persons with disabilities, and 1 member to be appointed by each of the following
42 organizations: the Massachusetts Municipal Association, Inc., the Massachusetts Business
43 Alliance for Education, Inc., the Massachusetts Association of School Committees, Inc., the
44 Massachusetts Association of School Superintendents, Inc., the Massachusetts Teachers
45 Association, the American Federation of Teachers Massachusetts, the Massachusetts Association
46 of Vocational Administrators, Inc., the Massachusetts Association of Regional Schools, Inc.,
47 Massachusetts Advocates for Children, Federation for Children with Special Needs, ARC of
48 Mass, and the Parent Professional Advocacy League of Massachusetts. Members shall not
49 receive compensation for their services but may receive reimbursement for the reasonable
50 expenses incurred in carrying out their responsibilities as members of the commission.

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

56 districts employing those persons or that may directly affect the rate at which those persons are
57 compensated.

58 The commission shall file its report on or before June 30, 2024. A copy of the report and
59 recommendations shall be made publicly available on the website of the department of
60 elementary and secondary education and submitted to the joint committee on education, the joint
61 committee on children, families and persons with disabilities, and the house and senate
62 committees on ways and means.