

HOUSE No. 445

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 passage of the accompanying bill:

An Act further providing for reimbursement to cities and towns for extraordinary special education costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	15th Middlesex
Bruce E. Tarr	First Essex and Middlesex
Christine E. Canavan	10th Plymouth
Thomas M. Stanley	9th Middlesex
Steven J. D'Amico	4th Bristol
Colleen M. Garry	36th Middlesex
F. Jay Barrows	1st Bristol
Robert L. Rice, Jr.	2nd Worcester
Allen J. McCarthy	7th Plymouth
Peter v. Kocot	1st Hampshire
David P. Linsky	5th Middlesex
William N. Brownsberger	24th Middlesex
Richard J. Ross	9th Norfolk
John F. Quinn	9th Bristol
Thomas P. Conroy	13th Middlesex
Susan C. Tucker	Second Essex and Middlesex
Cleon H. Turner	1st Barnstable
Denise Provost	27th Middlesex

Jennifer M. Callahan
Stephen R. Canessa

18th Worcester
12th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 478 OF.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT FURTHER PROVIDING FOR REIMBURSEMENT TO CITIES AND TOWNS FOR EXTRAORDINARY SPECIAL EDUCATION COSTS..

*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 Massachusetts General Laws as appearing in the 2004
2 Official edition is hereby amended by:
- 3 Amending the definition of “Foundation assistants”, by deleting subpart (e), and inserting in place
4 thereof, the following subpart: - (e) one hundred and twenty-five thousandths multiplied by the actual in-
5 school special education enrollment as stated in the previous years October 1, report to the Department of
6 Education or as otherwise reported to said Department.
- 7 Further, amending the definition of “Foundation central office professional staff”, by deleting subpart (c),
8 and inserting in place thereof, the following subpart: - (c) two hundredths multiplied by the sum of the
9 actual in-school special education enrollment and the actual residential and day tuitions paid for all
10 students counted in the special education enrollment.
- 11 Further, deleting the definition of “Foundation non-salary expenses”, and inserting in place thereof, the
12 following definition: - the sum of foundation athletic expenses, foundation extracurricular activity

13 expenses, foundation utility and ordinary maintenance expenses, foundation benefits, foundation special
14 education tuition, defined as the actual amount spent by each city, town or district for day or residential
15 tuition payments for special education students and all contracted services relating to provision of any
16 special education service required by M.G.L. c. 71B, and foundation miscellaneous expenses.

17 Further, amending the definition of “Foundation support staff”, by deleting subpart (e), and inserting in
18 place thereof, the following subpart: - (e) seventy-six thousandths multiplied by the actual in-school
19 special education enrollment as stated in the previous years October 1, report to the Department of
20 Education or as otherwise reported to said Department.

21 Further, amending the definition of “Foundation teaching staff”, by deleting subpart (g), and inserting in
22 place thereof, the following subpart: - (g) the actual in-school special education enrollment as stated in the
23 previous years October 1, report to the Department of Education or as otherwise reported to said
24 Department.

25 SECTION 2. The provisions of section 3 of Chapter 70 of the Massachusetts General Laws as appearing
26 in the 2004 Official edition is hereby amended by:

27 Inserting in place of paragraph three, the following: - The foundation budget shall be calculated
28 using foundation enrollments for the respective fiscal years as estimated by the department
29 according to the procedures outlined in section 2 and shall be increased annually as required by
30 this paragraph. The monetary factors used in calculating the foundation budget for such years
31 shall be adjusted for inflation by multiplying each such factor by the foundation inflation index.
32 The factors to be inflated shall be the monetary values for the foundation payroll, foundation
33 non-salary expenses, professional development allotment, expanded program allotment,
34 extraordinary maintenance allotment and book and equipment allotment. Additionally, cities,
35 towns and districts of the Commonwealth will receive extraordinary special education aid
36 according to the following formula: In fiscal year 2008 school districts will receive eighty percent
37 of all special education costs, including transportation costs if the city, town, or district utilizes a
38 regional transportation network to reduce transportation costs or other collaborative and
39 demonstrated efforts to reduce such costs, above 3.75 times the per pupil foundation budget;
40 eighty percent of all such costs above 3.5 times the per pupil foundation budget for fiscal year
41 2009; eighty percent of all such costs above 3.25 per pupil foundation budget for fiscal year

42 2010 and eighty percent of all such costs above 3.0 times the per pupil foundation budget for
43 fiscal year 2011. Cities, towns and school districts will be eligible for extraordinary special
44 education funding from the Commonwealth will be distributed to cities, towns and districts in the
45 budget year that the tuition are payable.