

By Mr. Businger of Brookline, petition of Robert M. Stein, John A. Businger, Jack H. Backman, Richard L. Walsh and others relative to third party payments for special education costs. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO THIRD PARTY PAYMENTS FOR 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. Chapter 71B of the General Laws is hereby
2 amended by striking out section 5, as amended by section 1 of
3 chapter 318 of the acts of 1973, and inserting in place thereof the
4 following section:—

5 *Section 5.* Any school committee which provides or arranges for
6 the provision of special education pursuant to the provisions of
7 section three shall pay for such special education personnel, mate-
8 rials and equipment, tuition, room and board, transportation, rent
9 and consultant services as are necessary for the provision of such
10 special education; provided, however, that the school committee
11 shall not be obligated to pay for such goods or services to the extent
12 that they would be covered under public or private insurance or
13 benefits coverage but for a party's eligibility for such goods or
14 services under this chapter.

15 No insurance or benefits contract shall deny benefits otherwise
16 payable to any insured or party because of said insured's or party's
17 eligibility for benefits under this chapter.

18 The school committee, either directly or through an educational
19 collaborative formed under section four E of chapter forty of the
20 General Laws, is authorized to provide goods and services for
21 special education which are covered under the commonwealth's
22 medical assistance program and to receive and enforce payment

23 therefor; provided, that said school committee or educational
24 collaborative is qualified to participate in said medical assistance
25 program in accordance with federal law and the applicable provi-
26 sions of chapter one hundred and eighteen E. The school commit-
27 tee or educational collaborative is also authorized to receive and
28 enforce payment for eligible services from all other insurance or
29 benefit providers, provided that the services are delivered by school
30 committee or educational collaborative personnel who meet the
31 qualifications otherwise specified by said insurer or benefit provid-
32 er for private vendors.

33 A school committee which incurs costs or obligations under the
34 provisions of this section shall include within its annual budget an
35 amount of money to comply with said provisions. Said amount
36 shall be added to the annual budget appropriation for school
37 purposes in each city or town for the support of public schools for
38 the purposes of, and enforceable pursuant to, section thirty-four of
39 chapter seventy-one, notwithstanding any general or special laws
40 or charter provisions which limit the amount of money that may be
41 appropriated in any city or town for school purposes.

1 SECTION 2. The third paragraph of section five of chapter
2 seventy-one B of the General Laws, as appearing in section one of
3 this act, shall take effect ninety days after the passage of this act, or
4 July first, nineteen hundred and eighty-two, whichever is later.