

By Mr. D'Amico, a petition (accompanied by bill, Senate, No. 271) of Gerard D'Amico and Michael J. Long for legislation to assist cities and towns in meeting the costs of special education placements for certain children. Education.

The Commonwealth of Massachusetts

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

AN ACT ASSISTING CITIES AND TOWNS IN MEETING THE COSTS OF SPECIAL EDUCATION PLACEMENTS FOR CERTAIN CHILDREN.

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 5A of Chapter 71B of the General Laws,
2 as added by section 124 of the acts of 1981, is hereby amended by
3 inserting after the first paragraph the following paragraph: —

4 When a school age child with special needs residing in the
5 commonwealth has no father or mother or guardian living in the
6 commonwealth who can be found after reasonable efforts to do so,
7 the department will assign a school committee to provide a special
8 education program for that child. If such child is determined by the
9 school committee or the bureau of special education appeals to be
10 in need of a special education program at a day or residential
11 school, pursuant to the procedures set forth in the regulations
12 promulgated by the department, the commonwealth shall be obli-
13 gated to pay the cost of the day or residential program at the rate
14 established by the rate setting commission under sections thirty-
15 one to forty-six, inclusive, of chapter six A.

1 SECTION 2. Said section five A of Chapter seventy-one B is
2 hereby further amended by striking the final paragraph and insert-
3 ing in place thereof the following paragraph:

4 The commonwealth's obligation under this section shall become
5 due only after approval and verification by the department that all
6 costs incurred herein are reasonable and are for special education

7 programs at day or residential schools provided in accordance
8 with the standards and requirements prescribed by the regulations
9 promulgated under this chapter. In undertaking such verification,
10 the commissioner may require any information he deems neces-
11 sary from any participating school or institution.

1 SECTION 3. Nothing contained in this act shall affect the
2 obligation of any agency of the commonwealth to pay for a place-
3 ment in a day or residential program made prior to the effective
4 date of this act. Any agreement between an agency of the com-
5 monwealth and a school committee, whether formal or informal,
6 governing payment for services to a special needs child shall con-
7 tinue in full force and shall not be superseded by this act. The
8 provisions of this act shall not affect the obligation of any human
9 services agency of the commonwealth to provide services to chil-
10 dren, aged three to twenty-two, inclusive, under any provision of
11 law in effect prior to the effective date of this act.