

Accompanying the first recommendation of the Department of Education (House, No. 94). Education.

The Commonwealth of Massachusetts

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

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
2 Laws, as appearing in the 1984 Official Edition, is hereby
3 amended by inserting after the first paragraph the following
4 paragraph: —

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

1 SECTION 2. Said section 5A of said chapter 71B is hereby
2 further amended by striking out the last paragraph and insert-
3 ing in place thereof the following paragraph: —

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

7 are for special education programs at day or residential schools
8 provided in accordance with the standards and requirements
9 prescribed by the regulations promulgated under this chapter.
10 In undertaking such verification, the commissioner may require
11 any information he deems necessary from any participating
12 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
3 placement in a day or residential program made prior to the
4 effective date of this act. Any agreement between any agency
5 of the commonwealth and a school committee, whether formal
6 or informal, governing payment for services to a special needs
7 child shall continue in full force and shall not be superseded by
8 this act. The provisions of this act shall not affect the obliga-
9 tion of any human services agency of the commonwealth to
10 provide services to children, aged three to twenty-two, inclu-
11 sive, under any provision of law in effect prior to the effective
12 date of this act.