

Accompanying the eighth recommendation of the Department of Education (House, No. 81). Education, Arts and Humanities.

The Commonwealth of Massachusetts

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

AN ACT RELATING TO EXPANDING INTEGRATIVE EDUCATIONAL OPPORTUNITIES AND ELIGIBILITY CRITERIA FOR CHILDREN WITH SPECIAL NEEDS.

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 1 of chapter 71B of the General Laws as
2 most recently amended by section 136 of chapter 138 of the acts
3 of 1991 is hereby further amended by striking out the definition
4 "School age child with special needs" and inserting in place thereof
5 the following definition: —

6 "School age child with special needs," a school age child who,
7 because of a disability consisting of a developmental delay or an
8 intellectual, sensory, neurological, emotional, communication,
9 physical, specific learning or health impairment or combination
10 thereof, is unable to progress effectively in regular education and
11 requires special education services in order to successfully develop
12 the child's individual educational potential; provided, however,
13 that no child shall be determined to be a student with special needs
14 solely because the child's behavior violates the school's
15 disciplinary code, and provided that use of the word disability in
16 this section shall not be used to provide a basis for labeling or
17 stigmatizing the child or defining the needs of the child, and shall
18 in no way limit the services, program, and integration
19 opportunities provided to the child.

1 SECTION 2. Chapter 71B of the General Laws, as appearing
2 in the 1990 Official Edition, is hereby amended by inserting after
3 section 11 the following section: —

4 Section 11A. There is hereby established a discretionary grant
5 program to be called the incentive grant program to expand
6 integrative educational opportunities for students with special
7 needs. In awarding such grants, the Board shall fund programs
8 developed for children currently attending substantially separate
9 public school, private day or residential programs pursuant to this
10 chapter. Criteria for the approval of such grant proposals shall
11 be established in guidelines adopted by the Board. Such criteria
12 shall include, but not be limited to, integration of children who
13 have special needs with their chronologically age appropriate
14 peers in regular education and building accessibility. If a public
15 school building is not fully accessible, a grant may be awarded
16 if the school committee has filed an application with the school
17 building assistance bureau for school renovations or construction
18 which provides physical accessibility, or if the school committee
19 presents a written plan identifying the barriers to access and a
20 timetable for making the building accessible. Funds awarded
21 under the incentive grant program may be used for program
22 planning, salaries of special education teachers, administrative or
23 other staff, training of personnel, adaptive equipment or such
24 other purposes as may be determined by the Board as necessary
25 to permit such special education programs to begin operation.

26 The department shall provide technical assistance to school
27 committees and educational collaboratives in grant development
28 and program implementation and shall collect, disseminate and
29 publicize information regarding model programs.

30 The department shall ensure that programs funded under this
31 section are evaluated to determine the degree to which students
32 placed in such programs actually participate with children without
33 special needs.

1 SECTION 3. Said chapter 71B is hereby amended by inserting
2 after section 2 the following section: —

3 Section 2A. There is hereby established a discretionary grant
4 program for the purpose of funding the establishment of teacher
5 support teams in elementary and middle school buildings. The
6 board may, subject to appropriation, award grants to individual
7 public elementary or middle schools which agree to establish

8 teacher support teams for the implementation of a prereferral
9 system and to provide a mechanism for the delivery of appropriate
10 instructional accommodations within the regular education
11 classroom. The board shall establish guidelines governing the
12 administration of this program.

1 SECTION 4. There is hereby established a professional
2 training grant program for the purpose of funding training to
3 strengthen the skills of regular and special education professionals
4 at the elementary, middle and high school levels. The basic
5 principle underlying such training programs shall be the belief that
6 all children can learn and shall include the following: adopting
7 curriculum, materials and instructional practice to meet the needs
8 of diverse learners; effective behavior management skills; and
9 addressing the needs of diverse learners; effective behavior
10 management skills; and addressing the needs of diverse learners
11 through collaboration and consultation with colleagues. The
12 board may, subject to appropriation, award grants to public
13 schools to establish professional training programs, in an amount
14 of money equal to the total number of students enrolled in grades
15 pre-kindergarten through twelve in attendance there during the
16 preceding school year multiplied by twenty dollars. The grant
17 program shall be implemented over a five year period in such a
18 manner to be determined by the board, to ensure that every school
19 district will have conducted such a training program. The board
20 shall establish guidelines governing the administration of this
21 program.

