

By Mr. Cass of Wakefield, petition of William F. Cass relative to the payment of costs for certain special education programs by the Commonwealth and cities and towns. Education, Arts and Humanities.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 71B of the General Laws as appearing in the 1986
2 Official Edition, is hereby amended by striking section 5A and
3 inserting in place thereof the following section: —
4 Section 5A. Whenever a school age child with special needs is
5 determined by a school committee or the bureau of special
6 education appeals to be in need of a special education program
7 at a residential school pursuant to the procedures set forth in the
8 regulations promulgated by the department, the commonwealth
9 and the school committee responsible for providing the special
10 education program shall be jointly obligated to pay the cost of
11 the program. During any twelve month state fiscal accounting
12 period, the commonwealth shall pay sixty per cent of the first forty
13 thousand dollars, seventy percent of the next ten thousand dollars,
14 eighty percent of the next ten thousand dollars, and ninety percent
15 of any additional amount of the cost of an individual special
16 education placement, as determined by the rate setting commis-
17 sion under sections thirty-one to forty-six, inclusive, of chap-
18 ter six A, and the school committee shall pay the remainder of
19 said costs. The obligation of the commonwealth to pay at a rate
20 in excess of sixty percent shall accrue when the total cumulative
21 cost to the school committee and the commonwealth for an
22 individual student in a fiscal year exceeds forty thousand dollars.
23 In the alternative, the commonwealth shall pay seventy percent
24 of said cumulative cost in a fiscal year of an individual student's

25 placement if such cost exceeds one percent of the school
26 committee's prior year total annual operating budget, eighty
27 percent of the amount when said cost exceeds two percent of the
28 school committee's prior year total annual operating budget and
29 ninety percent of the amount when said cost exceeds three percent
30 of the school committee's prior year total annual operating
31 budget.

32 For services provided on or after July 1, 1988 payments by the
33 commonwealth shall be subject to the rules and regulations
34 promulgated by the commissioner of education. Upon such
35 verification and approval by the commissioner, the treasurer shall
36 be authorized to make such payments directly to the service
37 provider.

38 When a school age child with special needs residing in the
39 commonwealth has no father, mother or guardian living in the
40 commonwealth who can be found after reasonable efforts to do
41 so, the department will assign a school committee to provide a
42 special education program for that child. If such child is
43 determined by the school committee or the bureau of special
44 education appeals to be in need of a special education program
45 at a day or residential school, pursuant to the procedures set forth
46 in the regulations promulgated by the department, the common-
47 wealth shall be obligated to pay the cost of the day or residential
48 program at the rate established by the rate setting commission
49 under sections thirty-one to forty-six, inclusive, of chapter six A.
50 The commonwealth's obligation under this section shall become
51 due only after approval and verification by the department that
52 all costs incurred herein are reasonable and are for special
53 education programs at day or residential schools provided in
54 accordance with the standards and requirements prescribed by the
55 regulations promulgated under this chapter.

56 In undertaking such verification as may be required under this
57 section, the commissioner may require submission of any infor-
58 mation he deems necessary from any participating school or
59 institution.