

By Mr. Lolas of Monson, petition of Alexander Lolas and Philip A. Quinn that the Department of Mental Health be required to send mentally retarded persons to special classes and clinical nursery schools in communities near the facilities where they reside. Social Welfare.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT MENTALLY RETARDED PERSONS UNDER THE CARE OF THE DEPARTMENT OF MENTAL HEALTH SHALL ATTEND SPECIAL CLASSES AND CLINICAL NURSERY SCHOOLS IN COMMUNITIES NEAR THE FACILITIES IN WHICH THEY RESIDE.

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 71 of the General Laws is hereby
2 amended by adding the following section: —

3 *Section 46M.* All persons residing in facilities of the depart-
4 ment of mental health who would qualify for attendance at
5 special classes as provided by section forty-six of said chapter
6 seventy-one shall be sent to special classes in towns and cities
7 near the facility. In each class there shall be more students
8 from the town than from the facility.

9 The department of mental health shall annually, on or
10 before November twentieth, pay to any city, town or school
11 district in which residents of its facilities attend school full
12 compensation for expenses incurred in giving said residents
13 special education. The rate of such compensation shall be
14 determined by the rate setting commission.

1 SECTION 2. Section four of chapter 123 is hereby amended
2 by inserting, after the words “. . . foster care and convalescent
3 facilities” the words, “(4) if hospitalization is to be continued a

4 consideration of the use of all possible community resources in
5 place of hospital services, including but not limited to special
6 classes in the community and clinical nursery schools in the
7 community.

1 SECTION 3. Section 23 of chapter 19 is hereby amended
2 by adding the following paragraph: —

3 Those children resident in facilities of the department shall
4 attend clinical nursery schools in communities near the facility
5 if it is determined that they would benefit from such
6 attendance by periodic review mandated by section four of
7 chapter one hundred and twenty-three. In no case shall a
8 majority of children enrolled in any community clinical nursery
9 be children resident in a facility of the department.