HOUSE . . . . . No. 118

Accompanying the first recommendation of the Department of Education (House, No. 117). Education, Arts and Humanities.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING AN INCENTIVE GRANT PROGRAM TO EXPAND INTEGRATIVE EDUCATIONAL OPPORTUNITIES FOR STUDENTS WITH SPECIAL NEEDS AND PROVIDING FINANCIAL ASSISTANCE FOR THE SPECIAL EDUCATION COSTS 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:

SECTION 1. Chapter 71B of the General Laws, as appearing in the nineteen hundred eighty-six Official Edition, is hereby amended by inserting after section eleven the following section: —

Section 11A. There is hereby established a discretionary grant program to be called the incentive grant program to expand integrative educational opportunities for students with special needs. Subject to appropriation, the Board of Education annually may award grants to school committees and to educational collaboratives for the purpose of funding planning costs and start-up programs which provide children with special needs greater opportunities to receive their education with children without special needs. In awarding such grants, the Board shall fund programs developed for children currently attending substantially separate public school, private day or residential programs pursuant to chapter 71B. Criteria for the approval of such grant proposals shall be established in guidelines adopted by the Board. Such criteria shall include, but not be limited to, integration of children who have special needs with their chronologically age appropriate peers in regular education and building accessibility. If a public school building is not fully accessible, a grant may be awarded if the school committee has filed an application with the school building assistance bureau for school renovations or

23 construction which provides physical accessibility, or if the school
24 committee presents a written plan identifying the barriers to access
25 and a timetable for making the building accessible. Funds
26 awarded under the incentive grant program may be used for
27 program planning, salaries of special education teachers,
28 administrative or other staff, training of personnel, adaptive
29 equipment or such other purposes as may be determined by the
30 Board as necessary to permit such special education programs to
31 begin operation.
32 The department shall provide technical assistance to school
33 committees and educational collaboratives in grant development
34 and program implementation and shall collect, disseminate and
35 publicize information regarding model programs.
36 The department shall ensure that programs funded under this
37 section are evaluated to determine the degree to which students
38 placed in such programs actually participate with children without
39 special needs.

1 SECTION 2. Chapter 71B of the General Laws, as appearing
2 in the nineteen hundred eighty-six Official Edition, is hereby
3 amended by striking section 5A and inserting in place thereof the
4 following section: —
5 Section 5A. Whenever a school age child with special needs is
6 determined by a school committee or the bureau of special
7 education appeals to be in need of a special education program
8 at a residential school pursuant to the procedures set forth in
9 regulations promulgated by the department, the commonwealth and
10 school committee shall be jointly obligated to pay the cost of the
11 program. The school committee shall pay forty percent of the total
12 cost of the residential program rate established by the rate setting
13 commission, and the commonwealth shall pay sixty percent of the
14 total cost of the residential program. The commonwealth's
15 obligation under this paragraph shall become due and payable,
16 after approval and verification provided in accordance with
17 department standards, to the residential school within sixty days
18 of receipt of a request for payment from said school.
19 When a school age child with special needs residing in the
20 commonwealth has no father or mother or guardian living in the
21 commonwealth who can be found after reasonable efforts to do

22 so, the department will assign a school committee to provide a
23 special education program for that child. If such child is
24 determined by the school committee or the bureau of special
25 education appeals to be in need of a special education program
26 at a day or residential school, pursuant to the procedures set forth
27 in the regulations promulgated by the department, the
28 commonwealth shall be obligated to pay the cost of the day or
29 residential program at the rate established by the division of
30 purchased services under sections forty-two to forty-four
31 inclusive, of chapter 150 of the acts of 1990. The commonwealth's
32 obligation under this paragraph shall become due only after
33 approval and verification by the department that all costs incurred
34 herein are reasonable and are for special education programs at
35 day or residential schools provided in accordance with the
36 standards and requirements prescribed by the regulations
37 promulgated under this chapter.
38 In undertaking such verification as may be required under this
39 section, the commissioner may require any information he deems
40 necessary 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
3 placement in a day or residential program made prior to the
4 effective date of this act. Any agreement between any agency of
5 the commonwealth and a school committee, whether formal or
6 informal, governing payment for services to a special needs child
7 shall continue in full force and shall not be superseded by this
8 act. The provisions of this act shall not affect the obligation of
9 any human services agency of the commonwealth to provide
10 services to children, aged three to twenty-two, inclusive, under any
11 provision of law in effect prior to the effective date of this act.

1 SECTION 4. This act shall take effect on July first, nineteen
2 hundred and ninety-one.