

By Mr. Berry, petition (accompanied by bill, Senate, No. 248) of Frederick E. Berry for legislation relative to certain homeless students. Education, Arts and Humanities.

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO CERTAIN HOMELESS STUDENTS.

*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 71B of the General Laws is hereby  
2 amended by inserting after section 5B the following two  
3 sections: —

4 Section 5C. As used in section five D the following words shall  
5 have the following meanings: —

6 “Homeless student”, any student who has a primary residence  
7 that is a publicly or privately operated shelter, including a hotel  
8 or motel, designed to provide temporary living accommodations.

9 “Temporary shelter”, a publicly or privately operated shelter,  
10 including a hotel or motel, designed to provide temporary living  
11 accommodations.

12 Section 5D. Notwithstanding the provisions of section twenty-  
13 seven C of chapter twenty-nine or any other general or special  
14 law to the contrary, if a child with special needs, for whom a school  
15 committee provides or arranges for the provision of special  
16 education pursuant to section three, is a homeless student residing  
17 in a temporary shelter, the school committee which wrote the most  
18 recent individualized education plan for such homeless student  
19 pursuant to section three of this chapter shall pay the local average  
20 per pupil cost, for the community in which the temporary shelter  
21 is located, of the child’s prototype for the most recent fiscal year  
22 for which data is available for a period of time not to exceed one  
23 year, or until said child no longer resides in a temporary shelter,  
24 whichever occurs first; provided, however, that if a homeless

25 student is enrolled in an approved private special education day  
26 placement pursuant to said section three, the school committee  
27 which wrote the most recent individualized education plan  
28 pursuant to this chapter shall pay the approved budget costs.

29 The school committee where the temporary shelter is located  
30 shall assume all responsibilities for reviewing the child's progress,  
31 monitoring the effectiveness of the placement, and reevaluating  
32 the child's needs from the date of residence in a temporary shelter;  
33 provided, however, that during the period when the financial  
34 obligation of the community which wrote the individualized  
35 education plan continues pursuant to this section, the school  
36 committee where the temporary shelter is located shall provide  
37 the school committee of the former community of residence with  
38 notice of any such review, monitoring and re-evaluation, and an  
39 opportunity to participate; provided, however, that the school  
40 committee where the temporary shelter is located shall be  
41 financially responsible for any increase in the costs of such  
42 placement during such period which results from any such review,  
43 monitoring or re-evaluation.

44 The commonwealth shall assume the cost of any special needs  
45 child living in a temporary shelter for a period of time exceeding  
46 one year.

1 SECTION 2. This act shall apply to school years beginning  
2 September, nineteen hundred and ninety-two.