

# SENATE . . . . . No. 281

By Mr. Tisei, a petition (accompanied by bill, Senate, No. 281) of Richard R. Tisei for legislation relative to the cost of special education programs at residential schools and the obligations of school committees. Education, Arts and Humanities.

## **The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Four

### 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 1992  
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 educa-  
6 tion appeals to be in need of a special education program at a  
7 residential school pursuant to the procedures set forth in the regu-  
8 lations promulgated by the department, the commonwealth and  
9 the school committee responsible for providing the special educa-  
10 tion program shall be jointly obligated to pay the cost of the pro-  
11 gram. During any twelve month state fiscal accounting period, the  
12 commonwealth shall pay sixty percent of the first forty thousand  
13 dollars, seventy percent of the next ten thousand dollars, eighty  
14 percent of the next ten thousand dollars, and ninety percent of any  
15 additional amount of the cost of an individual special education  
16 placement, as determined by the rate setting commission under  
17 sections thirty-one to forty-six, inclusive, of chapter six A and the  
18 school committee shall pay the remainder of said costs. The oblig-  
19 ation of the commonwealth to pay at a rate in excess of sixty per-  
20 cent shall accrue when the total cumulative cost to the school  
21 committee and the commonwealth for an individual student in a  
22 fiscal year exceeds forty thousand dollars.

23 In the alternative, the commonwealth shall pay seventy percent  
24 of said cumulative costs in a fiscal year of an individual student's

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

31 For services provided on or after July 1, 19 payments by the  
32 commonwealth shall be subject to the rules and regulations pro-  
33 mulgated by the commissioner of education. Upon such verifica-  
34 tion and approval by the commissioner, the treasurer shall be  
35 authorized to make such payments directly to the service provider.

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

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