

By Ms. Gardner of Holliston, petition of Barbara Gardner, Barbara E. Gray, David P. Magnani, John A. Stefanini, William M. Straus and another 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 COST SHARING SPECIAL EDUCATION RESIDENTIAL PLACEMENTS.

*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 5A of Chapter 71B, as appearing in the 1990 Official  
2 Edition, is hereby amended by striking out the first paragraph and  
3 inserting in place thereof the following: —

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  
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. The school committee shall pay only the direct  
12 educational costs of residential school programs as determined  
13 by the State Auditor. The Commonwealth shall pay the non-  
14 educational costs of the residential program. Non-educational  
15 costs shall include but not be limited to those medical services  
16 included in an individual education plan which are necessary to  
17 allow a child with special needs to function on a daily basis, as  
18 well as room, board, supervision, buildings and grounds  
19 maintenance, and utilities.

