

**HOUSE . . . . . No. 01062**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Kevin J. Murphy*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to special education

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PETITION OF:

NAME:

*Kevin J. Murphy*

DISTRICT/ADDRESS:

*18th Middlesex*

# HOUSE . . . . . No. 01062

By Mr. Kevin J. Murphy of Lowell, petition (accompanied by bill, House, No. 01062) of Kevin J. Murphy relative to special education placement decisions . Joint Committee on Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
 HOUSE  
 , NO. 481 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act relative to special education

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*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 3 of Chapter 71B of the General Laws is hereby amended by adding at the end

2 thereof the following paragraph:

3 Notwithstanding any general or special law to the contrary, when the department of children and

4 families determines that a child in its custody needs a new residential placement and the child is

5 an eligible student with disabilities currently enrolled in a public day school placement within a

6 school district or education collaborative, the department of children and families shall, except in

7 cases of emergency, notify the school district at least 1 week prior to changing the child's

8 residence. The notification from the department of children and families shall include an offer to

9 meet with the school district prior to changing the child's place of residence. In the case of an

10 emergency, the district shall be notified within 3 days of the change in the child's residence and  
11 the department of children and families shall offer to meet with the district within 1 week of the  
12 notification. If the department of children and families makes a decision to place a child in an  
13 approved private residential school, the district is authorized, but not required, to continue  
14 enrollment of the child in his current public day school placement, if appropriate. If the district  
15 continues enrollment of the child in his current public day school placement, it is required to  
16 provide transportation at its expense for the child to and from his residential placement and the  
17 department of children and families shall be responsible for the cost of the approved private  
18 residential school. If the district does not continue enrollment of the child in his current public  
19 day school placement, the district shall share the cost of the approved private residential school  
20 with the department of children and families, provided that the district shall not be required to  
21 pay more than it would be required to pay for the student's current public day school placement,  
22 including the estimated cost of transportation to and from the student's residential placement.