

HOUSE No. 01071

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 strengthening oversight of the delivery of special education services

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PETITION OF:

NAME:

Walter F. Timilty

DISTRICT/ADDRESS:

7th Norfolk

HOUSE No. 01071

By Mr. Walter F. Timilty of Milton, petition (accompanied by bill, House, No. 01071) of Walter F. Timilty relative to special education services. Joint Committee on Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 521 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act strengthening oversight of the delivery of special education services

□.

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. The Department of Education shall withhold funds for special education
2 from cities, towns, school districts, or private schools or agencies that do not comply with
3 regulations or statutes related to special education or do not carry out plans for such compliance
4 within a reasonable period of time.

5 The Department shall investigate and resolve concerns raised through the Problem Resolution
6 System of the Department and an In District Program. The approval activities and oversight of
7 the Department for the approved programs does not relieve school districts of their responsibility
8 to monitor the programs of individual students enrolled in the approved programs by the school
9 districts. The approval activities and oversight of the Department for the approved programs does

10 not make the Department a guarantor or insurer for services or programs provided to individual
11 students

12 School districts shall develop local problem resolution procedures that allow parents to present a
13 concern to a district representative and receive a response related to the concern. Local
14 procedures shall not be used to delay or deny a parent's right to access other dispute resolution
15 mechanisms

16 The Department shall promulgate regulations to implement this section.

17 SECTION 2. The Department of Education shall establish a commission to oversee and enforce
18 the special education dispute resolution. The commission shall study and analyze the delivery of
19 special education assistance, student progress, and parental involvement.

20 The Department of Education shall provide research, materials, and information it has
21 developed on special education issues and such other assistance as may be necessary and
22 practical.

23 Chapter 71 B of the Massachusetts General Laws is hereby amended by inserting the section 13.