

**HOUSE . . . . . No. 00172**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Ellen Story*

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 reducing special education referrals and costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Michael F. Kane</i>	<i>5th Hampden</i>

# HOUSE . . . . . No. 00172

By Ms. Ellen Story of Amherst, petition (accompanied by bill, House, No. 00172) of Timothy J. Toomey and others for legislation to reduce special education referrals and costs.. Joint Committee on Education.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act reducing special education referrals and costs.

*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, as appearing in the 2010 Official Edition, is  
2 hereby amended by adding after Section 5C the following new Section:-
- 3 Section 5D. (a) There is hereby established, subject to appropriation, a pre-special education  
4 referral reimbursement program. Said program shall reimburse municipalities for one half of the  
5 eligible instructional costs associated with the reduction of special education referrals for  
6 problems with reading/literacy through the implementation of Reading Recovery. Said  
7 reimbursements shall be in addition to amounts distributed pursuant to chapter 70 of the General  
8 Laws and shall not be included in the calculation of base aid, as defined in said chapter 70, for  
9 any subsequent fiscal year.
- 10 (b) For the purposes of this section, the following words shall have the following meanings:—

11 “Reading Recovery”, a one to one, scientific research-based, short term (12-20 weeks), pre-  
12 special education referral early literacy intervention delivered by a certified Reading Recovery  
13 teacher to children at risk of failing to learn to read and write in first grade. Children are selected  
14 for service based on performance in six literacy assessments published in Clay’s An Observation  
15 Survey of Early Literacy Achievement. Reading Recovery teachers must be certified as having  
16 completed a year-long accredited university-based Reading Recovery program.

17 “Instructional costs”, costs directly attributable to providing students with one to one  
18 intervention services of a Reading Recovery teacher for not more than twenty weeks. Such costs  
19 shall include as salary of educational personnel, salary of related services personnel, costs for  
20 specialized books, materials or equipment. Instructional costs shall not include transportation  
21 costs, administrative or overhead costs, the costs of adapting classrooms or materials that are  
22 used by more than one student, the costs of fringe benefits of personnel employed by the school  
23 district. Instructional costs for the purposes of this reimbursement program also shall not include  
24 the salary of personnel providing educational services when such services are not specially  
25 designed instruction for the student in Reading Recovery.

26 (c) Instructional costs eligible for reimbursement under the program shall be reported by a school  
27 district to the department in a form and manner as prescribed by the commissioner. The  
28 department shall review the report and approve those per pupil instructional costs that are  
29 eligible for reimbursement pursuant to the program within 30 days of submission. Based upon  
30 the approved costs, the department shall calculate the reimbursement due a municipality.

31 (d) Districts shall notify the department within 30 days of any change in previously approved  
32 instructional costs, including but not limited to changes in a student's enrollment status in  
33 Reading Recovery.

34 (e) In preparing a budget recommendation for the subsequent fiscal year for consideration by the  
35 local appropriating authority, a school district shall project Reading Recovery costs and  
36 enrollments, including per pupil instructional costs eligible for reimbursement under this  
37 program. The school committee's budget recommendation shall exclude any such instructional  
38 costs eligible for reimbursement under this program. Upon receipt of reimbursements paid under  
39 this program by the municipal treasurer, in the case of local school districts, or the regional  
40 district treasurer in the case of regional school districts, such amounts shall be recorded by the  
41 municipality or district as additional appropriations to the school committee, without any further  
42 action being required on the part of the local appropriating authority.

43 (f) Reimbursements shall be made based on the previous year's per-pupil instructional costs, as  
44 pursuant to subsection (c), in compliance with department of education audits and procedures.  
45 Reimbursements shall be made in 4 quarterly payments to coincide with the distribution of funds  
46 made available pursuant to said chapter 70. Each quarterly payment shall be equal to 25 per cent  
47 of the estimated reimbursements for the previous year's submissions, subject to appropriation.