

HOUSE No. 265

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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 adoption of the accompanying bill:

An Act to assure opportunity for all students with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia A. Haddad	5th Bristol
Alan Silvia	7th Bristol
Carole A. Fiola	6th Bristol
Marjorie C. Decker	25th Middlesex
Angelo J. Puppolo, Jr.	12th Hampden
Mathew Muratore	1st Plymouth
Frank A. Moran	17th Essex
Michael D. Brady	Second Plymouth and Bristol
Frank I. Smizik	15th Norfolk
James M. Cantwell	4th Plymouth
David Paul Linsky	5th Middlesex
Aaron Vega	5th Hampden
John W. Scibak	2nd Hampshire
Jason M. Lewis	Fifth Middlesex
Jonathan Hecht	29th Middlesex
Brian M. Ashe	2nd Hampden
Patrick M. O'Connor	Plymouth and Norfolk
Louis L. Kafka	8th Norfolk

<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>

HOUSE No. 265

By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 265) of Patricia A. Haddad and others relative to improving procurement procedures to ensure opportunities for students with disabilities. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 393 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to assure opportunity for all students with disabilities.

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. Section 22N of chapter 7 of the General Laws, as most recently amended by
2 chapter 257 of the Acts of 2010, is hereby amended in the sixth paragraph by inserting after the
3 first sentence the following 3 sentences:-

4 The division shall establish a subsequent year price for a contractor for goods or services
5 related to special education as defined in section 1 of chapter 71B located within the
6 commonwealth by adding a per student annual adjustment amount to the current authorized
7 price, so called. The per student annual adjustment amount will be determined by multiplying
8 the current authorized price, so called, by a percentage factor, as determined on an annual basis
9 by the operational services division. The annual adjustment amount percentage for each cost
10 component shall correspond to the actual cost component structure of these programs.

11 Section 2. Notwithstanding any general or special law to the contrary, the division of
12 purchased services of the department of procurement shall promulgate rules and regulations
13 relative to the pricing of programs approved under chapter 71B of the General Laws for the
14 purpose of promoting recruitment and retention of all direct care staff and improving
15 instructional resources. Said rules and regulations shall include the following provisions:-

16 (a) the division shall establish a pricing mechanism, including eligibility and procedural
17 requirements, that allows approved programs to apply for salary and benefit increases for all
18 direct care staff including, but not limited to, teachers, related service staff, health care staff and
19 clinical staff to increase the rate of licensure and certification, as may be required by state or
20 federal law, and to decrease the rate of staff attrition and to ensure that benefits and salaries are
21 comparable to the benefits and salaries of similar employees in public schools or relevant
22 agencies of the commonwealth. Said salaries and benefits shall be prorated for the length of said
23 programs. The pricing mechanism shall also address department of elementary and secondary
24 education approved instructional resource upgrades;

25 (b) the department of elementary and secondary education shall, at the next evaluation of
26 an approved private special education program as required in section 3 of chapter 71B, review
27 the facilities, textbooks, equipment, technology, materials and supplies of the program necessary
28 to instruct students in the Massachusetts curriculum frameworks and recommend to the division
29 pricing adjustments to address needed instructional resource upgrades as determined by the
30 department; and

31 (c) the division's pricing mechanisms shall not be based upon non-commonwealth or
32 prior year's revenues. No mechanism established by the division shall delay a program price

33 adjustment for more than 90 days. Private special education programs must provide purchasers,
34 the department of elementary and secondary education and the operational services division with
35 a notice of intent to apply for salary and benefit upgrades by October 1 for the following fiscal
36 year.