

HOUSE No. 481

The Commonwealth of Massachusetts

PRESENTED BY:

Pam Richardson

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Pam Richardson	6th Middlesex
Kevin J. Murphy	18th Middlesex
David M. Nangle	17th Middlesex
Jennifer M. Callahan	18th Worcester
Thomas P. Conroy	13th Middlesex
Thomas A. Golden, Jr.	16th Middlesex
Steven J. D'Amico	4th Bristol
Stephen L. DiNatale	3rd Worcester
Colleen M. Garry	36th Middlesex
Lida E. Harkins	13th Norfolk
Allen J. McCarthy	7th Plymouth
Frank I. Smizik	15th Norfolk
Bruce E. Tarr	First Essex and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SPECIAL EDUCATION.

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 of the General Laws is hereby amended by adding at the end thereof
2 the following paragraph:

3 Notwithstanding any general or special law to the contrary the department of children and family
4 services shall not make special education placement decisions and shall adhere to the current
5 individualized education plan until it is altered by the team process pursuant to applicable law.
6 Furthermore, the department of elementary and secondary education shall consider a special education
7 day school operated by an educational collaborative or other public entity as a different program type than
8 one operated by a private entity. A school district shall only be responsible for their portion of the costs
9 associated with a private residential placement pursuant to a valid individualized education plan.