

**HOUSE . . . . . No. 502**

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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>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Anthony W. Petrucci</i>	<i>First Suffolk and Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>

**HOUSE . . . . . No. 502**

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 502) of Ellen Story and others for legislation to reduce special education referrals and costs. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE

HOUSE  
 , NO. 172 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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 Chapter 71B of the General Laws, as appearing in the 2010 Official Edition, is hereby  
2 amended by adding after Section 5C the following new section:-

3 Section 5D. (a) There is hereby established, subject to appropriation, a pre-special  
4 education referral reimbursement program. Said program shall reimburse municipalities for one  
5 half of the eligible instructional costs associated with the reduction of special education referrals  
6 for problems with reading/literacy through the implementation of a qualified literacy intervention  
7 program. Said reimbursements shall be in addition to amounts distributed pursuant to chapter 70  
8 of the General Laws and shall not be included in the calculation of base aid, as defined in said  
9 chapter 70, for any subsequent fiscal year.

10 (b) For the purposes of this section, the following words shall have the following  
11 meanings:-

12 “Qualified literacy intervention program,” a pre-referral early intervention program for  
13 children determined to be at risk of failing to learn to read in the first grade. Programs eligible  
14 for reimbursement must be able to demonstrate effectiveness based on published research.

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

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

30 (d) Districts shall notify the department within 30 days of any change in previously  
31 approved instructional costs, including but not limited to changes in a student’s enrollment status  
32 in a qualified literacy intervention program.

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

44 (f) Local school districts seeking reimbursement for qualified literacy intervention  
45 programs shall track and report: numbers of students in grades 1, 2, and 3; numbers of students  
46 referred to special education for literacy for each grade; and the overall percentage of students  
47 referred to special education for literacy each year. Districts receiving pre-special education  
48 reimbursements shall report to the department the numbers and percentages of students in grades  
49 1, 2, and 3 who are referred to special education for literacy each year.

50 (g) Reimbursements shall be made based on the previous year’s per-pupil instructional  
51 costs, as pursuant to subsection (c), in compliance with department of education audits and

52 procedures. Reimbursements shall be made in 4 quarterly payments to coincide with the  
53 distribution of funds made available pursuant to said chapter 70. Each quarterly payment shall be  
54 equal to 25 per cent of the estimated reimbursements for the previous year's submissions, subject  
55 to appropriation.

56 (h) The department shall monitor the effectiveness of the pre-special education referral  
57 program. Continued reimbursement for instructional costs of a qualified literacy program shall  
58 be contingent on demonstrated reduction of special education literacy referrals of at least 20%  
59 after three years. In addition, standardized test results shall be evaluated for districts receiving  
60 payments through the pre-special education referral reimbursement program. Continued  
61 reimbursement shall be contingent on measurable improvement in literacy scores on statewide  
62 literacy assessments.