

**HOUSE . . . . . No. 478**

By Mr. Kaufman of Lexington, petition of Jay R. Kaufman and others for legislation to provide for reimbursement to cities and towns for extraordinary special education costs. Education.

**The Commonwealth of Massachusetts**

PETITION OF:

Jay R. Kaufman	Richard J. Ross
Robert K. Coughlin	William N. Brownsberger
Peter V. Kocot	Susan C. Tucker
Anne M. Gobi	Jarrett T. Barrios
John W. Scibak	Robert L. Rice, Jr.
Matthew C. Patrick	Alice Hanlon Peisch
Frank M. Hynes	John F. Quinn
Mary E. Grant	Elizabeth A. Poirier
Bruce E. Tarr	

In the Year Two Thousand and Seven.

AN ACT FURTHER PROVIDING FOR REIMBURSEMENT TO CITIES AND TOWNS FOR EXTRAORDINARY SPECIAL EDUCATION 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. Section 2 of Chapter 70 of the Massachusetts
- 2 General Laws as appearing in the 2004 Official edition is hereby
- 3 amended by:—
- 4 Amending the definition of “Foundation assistants”, by deleting
- 5 subpart (e), and inserting in place thereof, the following subpart: —
- 6 (e) one hundred and twenty-five thousandths multiplied by the actual
- 7 in-school special education enrollment as stated in the previous
- 8 years October 1, report to the Department of Education or as other-
- 9 wise reported to said Department.
- 10 Further, amending the definition of “Foundation central office
- 11 professional staff”, by deleting subpart (c), and inserting in place
- 12 thereof, the following subpart: — (c) two hundredths multiplied by
- 13 the sum of the actual in-school special education enrollment and the
- 14 actual residential and day tuitions paid for all students counted in the
- 15 special education enrollment.

16 Further, deleting the contents of the definition of “Foundation  
17 non-salary expenses”, and inserting in place thereof, the following  
18 clause: — the sum of foundation athletic expenses, foundation  
19 extracurricular activity expenses, foundation utility and ordinary  
20 maintenance expenses, foundation benefits, foundation special edu-  
21 cation tuition, defined as the actual amount spent by each city, town  
22 or district for day or residential tuition payments for special educa-  
23 tion students and all contracted services relating to provision of any  
24 special education service required by M.G.L. c. 71B, and foundation  
25 miscellaneous expenses.

26 Further, amending the definition of “Foundation support staff”, by  
27 deleting subpart (e), and inserting in place thereof, the following  
28 subpart:— (e) seventy-six thousandths multiplied by the actual in-  
29 school special education enrollment as stated in the previous years  
30 October 1, report to the Department of Education or as otherwise  
31 reported to said Department.

32 Further, amending the definition of “Foundation teaching staff”,  
33 by deleting subpart (g), and inserting in place thereof, the following  
34 subpart:— (g) the actual in-school special education enrollment as  
35 stated in the previous years October 1, report to the Department of  
36 Education or as otherwise reported to said Department.

1 SECTION 2. The provisions of section 3 of Chapter 70 of the  
2 Massachusetts General Laws as appearing in the 2004 Official edi-  
3 tion is hereby amended by inserting in place of paragraph three, the  
4 following paragraph: —

5 The foundation budget shall be calculated using foundation  
6 enrollments for the respective fiscal years as estimated by the depart-  
7 ment according to the procedures outlined in Section 2 and shall be  
8 increased annually as required by this paragraph. The monetary fac-  
9 tors used in calculating the foundation budget for such years shall be  
10 adjusted for inflation by multiplying each such factor by the founda-  
11 tion inflation index. The factors to be inflated shall be the monetary  
12 values for the foundation payroll, foundation non-salary expenses,  
13 professional development allotment, expanded program allotment,  
14 extraordinary maintenance allotment and book and equipment allot-  
15 ment. Additionally, cities, towns and districts of the Commonwealth  
16 will receive extraordinary special education aid according to the  
17 following formula:—

18 In fiscal year 2008 school districts will receive eighty percent of  
19 all special education costs, including transportation costs if the city,  
20 town, or district utilizes a regional transportation network to reduce  
21 transportation costs or other collaborative and demonstrated efforts  
22 to reduce such costs, above 3.75 times the per pupil foundation  
23 budget; eighty percent of all such costs above 3.5 times the per pupil  
24 foundation budget for fiscal year 2009; eighty percent of all such  
25 costs above 3.25 per pupil foundation budget for fiscal year 2010  
26 and eighty percent of all such costs above 3.0 times the per pupil  
27 foundation budget for fiscal year 2011. Cities, towns and school dis-  
28 tricts will be eligible for extraordinary special education fund-  
29 ing from the Commonwealth will be distributed to cities, towns and  
30 districts in the budget year that the tuition are payable.