

HOUSE No. 547

By Mr. Sannicandro of Ashland, petition of Tom Sannicandro and others relative to special education due process costs. Education.

The Commonwealth of Massachusetts

PETITION OF:

Tom Sannicandro	Gale D. Candaras
Alice K. Wolf	Patricia D. Jehlen
Martha M. Walz	Steven A. Tolman
James B. Eldridge	Marian Walsh
Kay Khan	Walter F. Timilty
Christopher G. Fallon	Ruth B. Balser
Barbara A. L'Italien	Benjamin Swan
David Paul Linsky	Gloria L. Fox
William Lantigua	Geraldine Creedon
Elizabeth A. Malia	Edward M. Augustus, Jr.
Matthew C. Patrick	

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO SPECIAL EDUCATION DUE PROCESS 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 3 of Chapter 71B of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by inserting after the
3 twelfth paragraph the following paragraph:—
4 Parents, guardians or persons with custody of a student, who have
5 requested a hearing seeking resolution of any dispute with the
6 bureau of special education appeals, shall be entitled to reasonable
7 attorney’s fees and costs as a “prevailing party” if they obtain relief
8 on a significant claim as a result of such request that effects a mate-
9 rial alteration in the parties’ legal relationship, and it is not merely
10 de minimis, whether such relief is the result of a voluntary change in
11 the school district’s conduct, a settlement agreement, or a decision or
12 order issued by a hearing officer or court.