

# SENATE NO. 279

## **AN ACT** RELATIVE TO SPECIAL EDUCATION COMPLIANCE

*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. Chapter 71B of the General Laws as appearing in the 2004 Official Edition is  
2 hereby amended by inserting after Section 9 the following new section:-

3 Section \_\_\_\_\_. The Department shall establish a program to provide as least 5 regional  
4 attorneys to represent children with disabilities and their parents whose family income does  
5 not exceed the federal poverty level established by the United States Department of Health  
6 and Human Services for the purpose of enforcing compliance with said chapter 71B, state  
7 education reform requirements and objectives and the Individuals with Disabilities  
8 Education Act (20 U.S.C. 1400 et. seq.). The Department shall directly arrange or contract  
9 for said legal assistance with the Protection Advocacy organization designated by the  
10 Governor pursuant to Part C of the Development Disabilities Assistance and Bill of Rights  
11 Act of 1975 (42 U.S.C. 6041-43). Said regional attorneys shall utilize information and data  
12 obtained through representation of children with disabilities and their parents to develop a  
13 report annually regarding the status of compliance with chapter 71B of the General Laws,  
14 state education requirements and objectives, and the Individuals with Disabilities Act (20  
15 U.S.C. 1400 et. seq.) and shall include any patterns of non-compliance both district and  
16 state-wide. Said annual report shall include specific statutory references for each area of  
17 non-compliance as contained in said chapter 71B and Individuals with Disabilities Act. Each  
18 annual report shall be filed with the commissioner of education and with the clerks of the

19 house of representatives and the senate no later than July 1 of each calendar year. The  
20 Clerks shall forward copies to the chairs of the Committee on Education, Arts and  
21 Humanities. The commissioner shall respond in writing to the recipients of said report as  
22 designated in this section within sixty days, describing how each area of statutory non-  
23 compliance identified shall be addressed.