

SENATE NO. 292

AN ACT RELATIVE TO SPECIAL NEEDS INDIVIDUAL EDUCATION PLANS

*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 is hereby amended by adding the following new section:-
2 Section 16. Notwithstanding any other provisions of this Chapter, school committees shall have
3 the option to select an “all-IEP” method of determining its allocation of resources to educational
4 programs to best meet the needs of all its students. If the “all-IEP” option is not selected, the
5 processes, procedures, and obligations of the other sections of this chapter shall prevail.
6 Under the “all-IEP” option, a school district must establish IEPs for all of its in-district students.
7 The form and content of IEPs, and the processes and procedures by which they are established
8 and maintained, shall be established by the school committee at its sole discretion subject only
9 to the appeal provisions outlined below.
10 Once a school committee has established its IEP processes and procedures, and the district has
11 established IEPs for a minimum of 98% of its in-district students, its obligations under the other
12 sections of this Chapter to preferentially fund the needs of in-district Special Needs students is
13 eliminated and replaced with the following:
14 (a) The designations of Special Education and Regular Education as they apply to funding of in-
15 district educational programs, personnel and services, are eliminated. In its place, districts are
16 obligated to develop educational programs and allocate available resources taking into account
17 the sum total of the needs of all of its students as reflected by their IEPs. While 100% of the

18 needs expressed by student IEPs may not be met because of resource limitations, school
19 committees are obligated to set policies and develop educational programs in a manner that in
20 good faith attempts to reasonably and proportionately meet the needs of all of its students as
21 reflected in their IEPs.

22 (b) While the intent of this section is to provide reasonable latitude to school committees to
23 maximize its ability to effectively utilize available resources to provide the best educational
24 opportunities for the students of its district, if a parent or guardian of any student believes that a
25 school committee has not acted in a reasonable manner to proportionately meet the needs of
26 their student in accordance with the provisions of this section, they may initiate a Review
27 Process. The Review Process shall consist of two steps: First, a meeting of the parent and/or
28 guardian with an appropriate group of education professionals selected by the school
29 administration to determine if the concerns of the parent or guardian can be met under current
30 district policies and educational programs. If this initial review does not lead to a mutually
31 acceptable accommodation of the parent or guardian's concerns, the parent or guardian may
32 request a hearing before the district's Mediation Committee.

33 (c) To support this Review Process, school committees shall annually establish a Mediation
34 Committee consisting of one member of the community selected by the city council or board of
35 selectmen, one member selected by the school committee, and one member jointly selected by
36 the school committee and the city council or board of selectmen. This three-member committee
37 shall review the complaint in accordance with a Mediation Process determined by the school
38 committee and approved by the Department of Education. Only costs incurred by the Mediation
39 Committee consistent with carrying out its duties in accordance with its established procedures
40 shall be the responsibility of the school district. The majority findings of this Mediation

41 Committee shall be binding on the school committee and fulfillment of the responsibilities
42 outlined in this finding shall fulfill school committee obligations under this article.
43 The Department of Education shall establish at least one pre-approved Mediation Process that
44 school committees may, at their option, select without further review by the Department of
45 Education.