HOUSE DOCKET, NO. FILED ON: 1/13/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Tom Sannicandro**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 to provide equal opportunities for special education.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Tom Sannicandro | 7th Middlesex |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act to provide equal opportunities for special education.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

                 Section 3 of chapter 71B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the twelfth paragraph the following paragraph:—

Parents, guardians or persons with custody of a student and, in the case of students with legal authority to act in their own behalf, students who have either requested a hearing before the bureau of special education appeals seeking resolution of any dispute or are parties to a proceeding initiated by a school committee at such bureau shall be entitled to reasonable attorney’s fees and costs, including the costs of experts, as a prevailing party if they obtain relief on a significant claim as a result of such request, or an appeal thereof, that effects a material alteration in the parties’ legal relationship, and is not merely de minimis, or if they achieve a favorable result in defense of the school committee’s action, whether such relief is the result of a voluntary change in the school committee’s conduct, a settlement agreement, or a decision or order issued by a hearing officer or court.