

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Jay R. Kaufman**

*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 further providing for reimbursement to cities and towns for extraordinary special education costs.

PETITION OF:

NAME:

Jay R. Kaufman

DISTRICT/ADDRESS:

15th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 478 OF .]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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**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 General Laws as appearing in the 2004 Official  
2 edition is hereby amended by:

3

4 Amending the definition of "Foundation assistants", by deleting subpart (e), and inserting in place  
5 thereof, the following subpart: - (e) one hundred and twenty-five thousandths multiplied by the actual  
6 in-school special education enrollment as stated in the previous years October 1, report to the  
7 Department of Education or as otherwise reported to said Department.

8

9 Further, amending the definition of "Foundation central office professional staff", by deleting subpart  
10 (c), and inserting in place thereof, the following subpart: - (c) two hundredths multiplied by the sum of

11 the actual in-school special education enrollment and the actual residential and day tuitions paid for all  
12 students counted in the special education enrollment.

13

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

21

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

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

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33 SECTION 2. The provisions of section 3 of Chapter 70 of the Massachusetts General Laws as appearing in  
34 the 2004 Official edition is hereby amended by:

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36 Inserting in place of paragraph three, the following: - The foundation budget shall be calculated  
37 using foundation enrollments for the respective fiscal years as estimated by the department  
38 according to the procedures outlined in section 2 and shall be increased annually as required by  
39 this paragraph. The monetary factors used in calculating the foundation budget for such years  
40 shall be adjusted for inflation by multiplying each such factor by the foundation inflation index.  
41 The factors to be inflated shall be the monetary values for the foundation payroll, foundation  
42 non-salary expenses, professional development allotment, expanded program allotment,  
43 extraordinary maintenance allotment and book and equipment allotment. Additionally, cities,  
44 towns and districts of the Commonwealth will receive extraordinary special education aid  
45 according to the following formula: In fiscal year 2008 school districts will receive eighty percent  
46 of all special education costs, including transportation costs if the city, town, or district utilizes a  
47 regional transportation network to reduce transportation costs or other collaborative and  
48 demonstrated efforts to reduce such costs, above 3.75 times the per pupil foundation budget;  
49 eighty percent of all such costs above 3.5 times the per pupil foundation budget for fiscal year  
50 2009; eighty percent of all such costs above 3.25 per pupil foundation budget for fiscal year  
51 2010 and eighty percent of all such costs above 3.0 times the per pupil foundation budget for  
52 fiscal year 2011. Cities, towns and school districts will be eligible for extraordinary special  
53 education funding from the Commonwealth will be distributed to cities, towns and districts in the  
54 budget year that the tuition are payable.