

HOUSE No.

The Commonwealth of Massachusetts

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:

1 Section 3 of chapter 71B of the General Laws, as appearing
2 in the 2006 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 and, in the
5 case of students with legal authority to act in their own behalf,
6 students who have either requested a hearing before the bureau of
7 special education appeals seeking resolution of any dispute or are
8 parties to a proceeding initiated by a school committee at such bureau
9 shall be entitled to reasonable attorney's fees and costs, including
10 the costs of experts, as a prevailing party if they obtain relief on a
11 significant claim as a result of such request, or an appeal thereof,
12 that effects a material alteration in the parties' legal relationship,
13 and is not merely de minimis, or if they achieve a favorable result in
14 defense of the school committee's action, whether such relief is the

15 result of a voluntary change in the school committee's conduct, a
16 settlement agreement, or a decision or order issued by a hearing
17 officer or court.