

HOUSE No. 454

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 adoption of the accompanying bill:

An Act to ensure equitable access to education, including special education services, for all students in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/18/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/15/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>3/2/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/4/2023</i>

HOUSE No. 454

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 454) of Marjorie C. Decker and others for legislation to ensure equitable access to education and special education services for all students. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 565 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to ensure equitable access to education, including special education services, for all students in Massachusetts.

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 1I of chapter 69 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the fifth paragraph the following
3 paragraph: -

4 In order for the department to: address educational inequities through a data-driven
5 approach; report data in a manner that specifies the demographics of students facing the most
6 significant inequities; and ensure that educational inequities can be effectively identified and
7 addressed during the COVID-19 recovery and beyond; The department shall annually analyze
8 and publish in an easily accessible and user friendly manner the student-specific data provided
9 by school committees and charter schools pursuant to: section 1I of Chapter 69; sections 37G,

10 37H, 37O, 37P, and 89 of Chapter 71 of the General Laws; sections 3 and 7 of Chapter 71A of
11 the General Laws; section 6 of Chapter 71B of the General Laws; section 2A of Chapter 72 of
12 the General Laws; statewide assessment data utilized as a basis for competency determinations
13 pursuant to section 1D of chapter 69 of the General Laws; and any other data required by the
14 federal office of education, provided that said data required by the federal department of
15 education is also student-specific data and can be cross-tabulated. The department shall provide
16 said data in a manner that can be easily cross-tabulated by, at a minimum, the following: each
17 major racial and ethnic group; sex; economic status; high needs status; English learner status;
18 and category of disability, if applicable. The information shall be presented statewide and also
19 disaggregated by school committee, charter school, and individual school in a manner that is
20 anonymized and does not reveal personally identifiable information about an individual student.
21 Publication shall include, but need not be limited to, availability on the department's worldwide
22 web site.

23 SECTION 2. Said section 1I of said chapter 69, as so appearing, is further amended by
24 striking out, in line 239, the word “and”.

25 SECTION 3. Said section 1I of said chapter 69, as so appearing, is hereby further
26 amended by inserting after the word “learners”, in line 241, the following words:-- ; and

27 (i) The number of children, by grade level, within each disability category receiving
28 specific special education services, including but not limited to: each related service; assistive
29 technology, including but not limited to augmentative and alternative communication;
30 supplementary aids and services; positive behavioral interventions and supports; behavioral
31 intervention plans; vocational education; travel training; and community-based transition

32 services; provided further that school districts and charter schools shall only be required to
33 provide said information regarding number of children receiving specific special education
34 services when the department provides school committees with an online web-based IEP
35 application aligned with the special education services requiring reporting under this section.

36 SECTION 4. Section 6 of Chapter 71B of the General Laws, as appearing in the 2020
37 Official Edition, is hereby amended by inserting after the first sentence the following sentences:-
38 School committees shall also annually report to the department, pursuant to regulations
39 promulgated by the department, delivery of specific special education services by each major
40 racial and ethnic group, sex, economic status, and English learner status of children by age level,
41 including but not limited to delivery of: each related service; assistive technology, including but
42 not limited to augmentative and alternative communication; supplementary aids and services;
43 positive behavioral interventions and supports; behavioral intervention plans; vocational
44 education; travel training; and community-based transition services. This annual reporting by
45 school committees to the department shall only be required when the department provides school
46 committees with an online web-based IEP application aligned with the special education services
47 requiring reporting under this section. This information shall be cross-tabulated by, at a
48 minimum, the following: each major racial and ethnic group; sex; economic status; and English
49 learner status. The information shall be presented statewide and also disaggregated by school
50 committee, charter school, and individual school in a manner that is anonymized and does not
51 reveal personally identifiable information about an individual student.

52 SECTION 5. Said section 6 of said Chapter 71B, as so appearing, is hereby further
53 amended by inserting after the word “assignment”, in line 8, the following words:-- or pattern of
54 delivery of specific special education services.

55 SECTION 6. Said section 6 of said Chapter 71B of the General Laws, as so appearing, is
56 hereby further amended by inserting after the word “distribution”, in line 10, the following
57 words:-- or if there is a statistically significant increase in the rates of assignment of students
58 with disabilities to substantially separate classrooms for any racial or ethnic group in any of the
59 10 years following the Governor’s Declaration of a State of Emergency due to COVID-19 in
60 March 2020, as compared to the 2018-19 school year.