

Beacon Hill Byline

April 23, 2000

### **Budget, 2001: Special Education**

Last week the House completed our annual budget debate. The process has never been simple, and this year was no exception to that pattern. Today's Byline will focus on one aspect of the budget, the topic that prompted many of the calls I received throughout the week. That is also the focus of this column: changes to special education in Massachusetts.

The ways and means committee submitted a budget that totaled \$21.7 billion, but that document did not meet all the demands of all of the members. More than 1400 amendments were soon filed as each member sought to fine-tune the document. Then we spent the week debating, accepting or rejecting the amendments. Much of the time and much of the emotion of the entire budget week was focused on an item that arguably belonged in a separate bill, special education.

Special education has long been managed through Chapter 766 of Mass. General Laws. A provision of that law mandates that a child with special needs be provided with the "maximum feasible benefit." Ours is the only state in the union to embrace that standard, while every other state follows the federal standard of "free and appropriate" education.

Over the years, the Massachusetts special education has grown in scope and cost, straining local capability and leading to calls for the state to assume more costs of the program. It has been my position that the state should indeed help the cities and towns with this budget buster, but only if the expansive program is reined in. That is the combination that was presented and adopted by the house.

The budget makes these changes to Chapter 766. The state commits \$25 million to help districts pay expensive tuitions. It also institutes incentives for school districts to develop more in-district programs for students with complex needs. New teacher training is mandated and funded, and monitoring programs will assess districts for their success in meeting special needs.

Definitions are changed, aligning Massachusetts with the federal standard to require "free and appropriate" education. Additionally, eligibility is now defined by the phrase "child with a disability," rather than the broader "child with special needs." Present law entitles any student to an independent evaluation at public expense if the family is not satisfied with the school's assessment. The changes allow that second evaluation only if the school district fails to show that its analysis was adequate.

Several house members spoke convincingly in support of new standards. One remarked that federal court decisions have required a high level of education under the "free and appropriate" standard. That fact reassures the parents who fear that the quality of their child's program will be diminished. Another said that defining "maximum feasible" was like trying to hug the fog. Perhaps the most convincing speaker of the entire debate was a former special education teacher whom I know to be a strong advocate for all children. When he added his voice in support of change, I was convinced.

The house endorsed the changes by a substantial margin, and I voted with the majority. My vote was cast because of reassurances that essential services will continue to be available to our children.

The budget now goes to the senate, and it will not become law until both branches of the legislature agree on a single document. If the changes discussed in this column make it into law, it is my belief that children will continue to receive educational services they need and town budgets will receive the relief they need. If either of these expectations is not met, I want to hear about it.