

Beacon Hill Byline by Mary Rogeness

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### **The Right to Public Education**

Special education, school service for children with special needs, has long been a hot button issue throughout Massachusetts. Since my days on Longmeadow's School Committee it has been a subject I have studied. As costs continue to rise and as money is in ever shorter supply, this seems like a good time to explain the state's response to those concerns.

Special education services are prescribed in Chapter 766 of the Massachusetts General Laws. Enacted more than a generation ago, the law guaranteed all children an education that provided "maximum feasible benefit" for each child. It has been a lifesaver for many families, but that phrase offers a very broad entitlement. School districts were regularly challenged, often successfully, to provide services beyond those deemed necessary by the school. It is difficult to limit maximum feasible benefit.

As costs ate up more of town budgets, municipal officials lobbied for the state to pay for special education. That would provide relief to local budgets, but it would shift an uncontrolled cost to another level. Several years ago the legislature offered a compromise.

The federal government and other states promise "free and appropriate" education for special needs children, and the legislature adopted that standard. We amended some of the qualifying conditions and included a "circuit breaker," saying the state would pay a percentage of expenses when a child's educational costs were excessive. Because many families receiving services were concerned that their children would suffer if the standard changed, the legislation was drafted to change the standard only for incoming students.

Proposals for change were offered for many years before the law was changed. Each proposal required a public hearing at the State House, and parents and children testified at each hearing to express alarm that their education was at risk. Now that Chapter 766 has been amended, needs continue to be met. Parents can continue to litigate the educational plans offered by schools departments, but new guidelines will help limit costs.

The new law helps localities by giving school committees a standard that enables them to defend their individual educational plans. It provides the relief valve for extraordinary costs by offering state assistance. And it helps the state limit its cost by allocating a portion of those costs to the school district. Simply moving the price of a budget buster from the local to the state budget would not have controlled the budget buster.

In this year's budget debate the house of representatives appropriated \$50 million for the circuit breaker, money available to school districts to cover 75% of cost for a student's education when that cost exceed the average per-pupil expense by \$300. The state budget is still a work in progress, and the senate is scheduled to debate this week.

I will work to keep the next cost-sharing provision in the final budget document. It serves all of us well by enabling both town and state governments to provide to necessary service for our children.