



**7 Special Education Bills**  
**of**  
**Massachusetts Advocates for Children ~ 2009**

**Act to Improve Teacher Training in Augmentative and Alternative Communication**

Lead Sponsors: Sen. Creem, Rep. Bradley

This bill will help to ensure that teachers receive training in augmentative and alternative communication methods necessary to educate children with disabilities who are nonverbal or who have limited speech. Thousands of children (including children with Autism Spectrum Disorder, cerebral palsy, and acquired brain injury), rely on augmentative and alternative communication methods to interact with others, and many students are now being included in regular education. The bill directs the Board of Education to revise regulations for educator licensure so that all teachers are adequately prepared in methods of communication other than speech to facilitate interaction, to ensure that students with such disabilities can access the general education curriculum and to facilitate inclusion.

**An Act to Ensure Students with Disabilities Succeed as Adults: Transition Coordinators**

Lead Sponsor: Rep. Sannicandro

This bill will help to ensure that special education teachers and rehabilitation counselors can receive advanced training regarding transition planning and services. The bill directs the Board of Education to revise regulations for educator licensure to provide an Advanced Certificate in Transition Services, and school committees are required to employ the number of Transition Coordinators necessary to meet the needs of students with disabilities ages 14-22. Special education transition services, which are required by federal law, are critical to facilitate a student's movement to post-school activities, including post-secondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, and community participation. Although schools rely heavily on special education teachers to implement and manage transition planning and services\*, current licensure requirements inadequately address this critical area. Thousands of children with disabilities, ages 14-22, will directly benefit from this legislation.

**An Act addressing bullying of Children with Autism Spectrum Disorder**

Lead Sponsors: Rep. L'Italien, Sen. Jehlen

This bill amends the Autism IEP Act to clarify that IEP Teams must address bullying of children with autism. Children on the autism spectrum are frequently victims of bullying, teasing, and harassment as a result of their disability. Children with Autism Spectrum Disorder (ASD) are especially vulnerable targets for bullying because they are sometimes viewed as atypical or "odd" by some of their peers, and are relatively defenseless. These children are unable to understand and protect themselves like other students due to the nature of ASD, which impacts communication, social, and behavioral skills. Because their disability deprives children with autism of the natural ability to understand signals, communicate and to protect themselves, these students require teaching, supports, and services to develop strategies to help deal with bullying. This bill ensures that these supports are provided, as appropriate, to address the needs of the individual child, through the IEP process.

\* National Center on Secondary Education and Transition Information Brief Vol. 4, Issue 4 (August 2005)

### **An Act Relative to Equal Educational Opportunities for Students with Disabilities**

Lead Sponsor: Rep. Sannicandro

This bill addresses the impact of a Rehnquist decision by the US Supreme Court (*Buckhannon, 2001*) which has effectively created a two-tier system, barring many low and middle-income families from accessing special education rights and services. This bill would reinstate parents' rights to recover attorneys' fees as previously available prior to 2001. This is critical to encourage prompt resolution and settlement of disputes, reduce litigation costs for families and school districts, reduce the lengthy delays which harm children deprived of essential services for months and sometimes years, and help ensure that children of all income levels receive equal educational opportunities.

### **An Act to Maintain Short Term Objectives for Students with Disabilities**

Lead Sponsors: Sen. Creem, Rep. Peisch

This bill would require school districts to continue the current practice of including and maintaining short term objectives in the IEPs of students with disabilities. A recent change in federal law removed this requirement and this bill would ensure the continuation of requiring short term objectives by codifying it in State law. The inclusion of short term objectives in IEPs is important to assist in measuring the student's progress, and ensure accountability, which is critically important when all students with disabilities must ultimately pass MCAS.

### **An Act to Provide Fair Process for Students with Disabilities**

Lead Sponsors: Sen. Eldridge, Rep. Wolf

This bill establishes that school districts have the burden of proof in special education cases brought to the Bureau of Special Education Appeals, reinstating Massachusetts procedural practice that was set aside following a decision by the U.S. Supreme Court (*Shaeffer, 2005*). The Supreme Court's decision effectively required parents to carry the burden of proof in the majority of cases under federal law. As emphasized by the dissent, however, districts have significantly greater access to the information, expertise, and resources required for litigation than parents, and placing the burden of proof on parents creates an unfair onus on families trying to achieve equal educational opportunities for their children. The burden of proof should be assigned to school districts as a matter of fairness to level the playing field, and to help deter costly disputes.

### **Act to Support and Increase the Number of Qualified Providers of Intensive Intervention Providers for Children with Autism Spectrum Disorders**

Lead Sponsor: Rep. L'Italien

This bill will require the Secretary of Health and Human Services and the Secretary of Education to develop recommendations to increase the pool of individuals qualified to provide intensive intervention services for children with autism spectrum disorders. As the number of children diagnosed with autism spectrum disorder continues to rise, many parents are increasingly frustrated by the shortage of providers available to provide their children services critical to their care and development. This bill directs the agencies to work with parents, educators, providers and advocates to develop specific recommendations for increasing the number of qualified providers available in the Commonwealth, including efforts to increase the number of providers serving children from linguistically and culturally diverse families and communities.

