

SENATE No. 2414

Senate, July 7, 2016 -- Text of the Senate Bill creating higher education opportunities for students with intellectual and developmental disabilities (Senate, No. 2414) (being the text of Senate, No. 2393, printed as amended)

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act creating higher education opportunities for students with intellectual and developmental disabilities.

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 1 of chapter 15A of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 20, the second time it appears, the
3 following word:- “and”.

4 SECTION 2. Said section 1 of said chapter 15A, as so appearing, is hereby further
5 amended by inserting after the word “levels”, in line 25, the following words:- ; and

6 (d) to provide inclusive opportunities for individuals with severe intellectual disabilities,
7 autism spectrum disorders and other developmental disabilities to improve academic
8 achievement, employment, independent living and enhance the learning environment for all
9 students.

10 SECTION 3. Section 7A of said chapter 15A, as so appearing, is hereby amended by
11 striking out, in line 26, the word “and”.

12 SECTION 4. Said section 7A of said chapter 15A, as so appearing, is hereby further
13 amended by inserting after the word “sources”, in line 26, the following words:- ; and (10)
14 improving access for students with severe intellectual disabilities, autism spectrum disorders and
15 other developmental disabilities.

16 SECTION 5. Said section 7A of said chapter 15A, as so appearing, is hereby further
17 amended by striking out, in line 86, the word “and”.

18 SECTION 6. Said section 7A of said chapter 15A, as so appearing, is hereby further
19 amended by inserting after the word “sources”, in line 87, the following words:- ; and (10) to
20 improve access for students with severe intellectual disabilities, autism spectrum disorders and
21 other developmental disabilities.

22 SECTION 7. Said chapter 15A is hereby amended by inserting after section 30 the
23 following section:-

24 Section 30A. (a) Public institutions of higher education shall offer inclusive opportunities
25 to support individuals with severe intellectual disabilities, autism spectrum disorders or other
26 developmental disabilities in acquiring academic, career, technical and independent living skills
27 in order to prepare for adult life including, but not limited to, gainful employment and civic
28 engagement.

29 (b) Individuals with severe intellectual disabilities, autism spectrum disorders or other
30 developmental disabilities shall not be required to take a standardized college entrance aptitude
31 test, have a high school diploma or its equivalent, meet minimum academic course requirements,
32 meet minimum grade point average requirements or obtain a passing score on the statewide
33 assessment tests utilized as a basis for competency determinations pursuant to section 1D of

34 chapter 69 in order to enroll in credit-bearing and noncredit-bearing courses that include students
35 without disabilities, including participation in credit-bearing courses in audit status for students
36 who may not meet course prerequisites and requirements, and participation in internships or
37 work-based training in settings with nondisabled students; provided, however, that nothing in
38 this subsection shall require a public institution of higher education to provide course enrollment
39 preferences for individuals with severe intellectual disabilities, autism spectrum disorders or
40 other developmental disabilities.

41 (c) Students with severe intellectual disabilities, autism spectrum disorders or other
42 developmental disabilities shall be fully included with nondisabled students in all academic and
43 non-academic aspects of life at public institutions of higher education. Individual supports and
44 services, including academic supports, shall be made available to support inclusion in academic
45 courses, extracurricular activities and other aspects of campus life.

46 (d) Students eligible to participate in public institutions of higher education pursuant to
47 this section shall be eligible to apply for financial assistance from scholarship programs included
48 in section 16.

49 (e) The secretary of education and the secretary of health and human services shall
50 develop inter-agency agreements, policies and practices necessary to support the effective
51 collaboration of the department of higher education, the department of elementary and
52 secondary education, public institutions of higher education, school committees, the department
53 of developmental services, the Massachusetts rehabilitation commission and other relevant
54 agencies to provide accommodations, supports and services necessary to successfully include
55 students with intellectual disabilities, autism spectrum disorders or other developmental

56 disabilities in higher education including, but not limited to, maximizing federal financial
57 participation through Medicaid and maximizing federal financial aid for this population of
58 students. The secretary of education and secretary of health and human services shall annually
59 issue a joint report to the senate and house committees on ways and means, the joint committee
60 on education and the joint committee on higher education regarding the development of the inter-
61 agency agreements, policies and practices not later than July 1.

62 (f) For students ages 18 to 21 years old, inclusive, the costs associated with supporting
63 participation in public institutions of higher education pursuant to this section shall be an
64 approved expense pursuant to section 5 of chapter 71B, provided that a student's participation in
65 higher education is included in the student's individualized education program required by
66 section 3 of chapter 71B.

67 (g) For students older than 21 years of age and for students who are no longer receiving
68 special education services pursuant to chapter 71B, costs associated with supporting participation
69 in public institutions of higher education pursuant to this section shall be an approved expense,
70 subject to appropriation, pursuant to section 74 of chapter 6 and chapter 19B for those
71 individuals who have been accepted as clients pursuant to said section 74 of said chapter 6 and
72 said chapter 19B.

73 SECTION 8. Chapter 15A, as appearing in the 2014 Official Edition, is hereby amended
74 by inserting, after section 39, the following section:-

75 Section 39A. Students with severe intellectual disabilities, autism spectrum disorders and
76 other developmental disabilities enrolled in public secondary schools may participate in credit-
77 bearing and noncredit-bearing courses in public institutions of higher education that include

78 nondisabled students, including participation in credit-bearing courses in audit status for students
79 who may not meet course prerequisites or requirements, with necessary supports to facilitate the
80 student’s participation and to support inclusion in academic courses, extracurricular activities,
81 internships, work experiences and other aspects of the public institution of higher education’s
82 regular postsecondary program; provided, however, that nothing in this subsection shall require a
83 public institution of higher education to provide course enrollment preferences for individuals
84 with severe intellectual disabilities, autism spectrum disorders or other developmental
85 disabilities.

86 Students shall not be required to take a standardized college entrance aptitude test, have a
87 high school diploma or its equivalent, meet minimum academic course requirements, meet
88 minimum grade point average requirements or obtain a passing score on the statewide
89 assessment tests utilized as a basis for competency determinations pursuant to section 1D of
90 chapter 69.

91 SECTION 8A. Chapter 71 of the General Laws is hereby amended by inserting after
92 section 57 the following section:-

93 Section 57A. (a) For the purposes of this section, “Neurological Learning Disability”
94 shall mean a specific learning disability including, but not limited to, dyslexia, as most recently
95 defined by the National Institute of Health, that is neurological in origin.

96 (b) The department of elementary and secondary education shall issue guidelines for
97 districts, subject to appropriation, to develop screening procedures or protocols for students who
98 demonstrate 1 or more potential indicators of a neurological learning disability including, but not
99 limited to, dyslexia.

100 SECTION 9. Section 2 of chapter 71B of the General Laws, as so appearing, is hereby
101 amended by striking out, in line 51, the word “and”.

102 SECTION 10. Said section 2 of said chapter 71B, as so appearing, is hereby further
103 amended by inserting after the word “department”, in line 53, the following words:- ; and (12)
104 for older students ages 18 to 21, inclusive, options including continuing education, enrollment in
105 credit and noncredit courses that include students without disabilities in a public institution of
106 higher education, development of independent living skills, development of skills necessary for
107 employment, development of skills to access community services.

108 SECTION 11. Said chapter 71B of the General Laws is hereby amended by adding the
109 following section:-

110 Section 17. (a) Subject to appropriation, the executive office of education shall develop
111 and administer a discretionary grant program to provide money to school districts and public
112 institutions of higher education partnering together to offer inclusive concurrent enrollment
113 initiative options for school-aged children, ages 18 to 21, inclusive, with disabilities. The grant
114 program shall be limited to students: (i) who are considered to have severe intellectual
115 disabilities, autism spectrum disorders or other developmental disabilities; and (ii) for students
116 ages 18 to 19, inclusive, with severe disabilities who have been unable to achieve the
117 competency determination necessary to pass the statewide assessment test pursuant to section 1D
118 of chapter 69.

119 (b) The grant program shall allow school districts to partner with public institutions of
120 higher education and any relevant state or other agency serving students with severe intellectual
121 disabilities, autism spectrum disorders and other developmental disabilities including, but not

122 limited to, the department of developmental services, the Massachusetts rehabilitation
123 commission or other vocational rehabilitation agency or organization to support that student's
124 academic success, participation in student life of the college community and competitive
125 employment. Partnerships shall include: (i) participation in credit-bearing and non-credit courses
126 that include students without disabilities, including participation in credit-bearing courses in
127 audit status for students who may not meet course prerequisites; (ii) participation in on-campus
128 student life activities; (iii) preparation for competitive employment; (iv) the waiver of tuition for
129 courses by the public institution of higher education; (v) the provision of supports and services
130 necessary to facilitate a student's participation and support inclusion in academic courses,
131 extracurricular activities, internships, work experiences and other aspects of the public institution
132 of higher education's regular postsecondary program; (vi) training and technical assistance for
133 teachers, faculty and personnel regarding strategy and teaching methodology to achieve
134 successful inclusion of individuals with severe intellectual disabilities, autism spectrum disorders
135 and other developmental disabilities; (vii) that students with severe intellectual disabilities,
136 autism spectrum disorders and other developmental disabilities are fully included with
137 nondisabled students in all aspects of higher education including, but not limited to, academic
138 and social activities; and (viii) the utilization of person-centered planning in the development of
139 the course of study for each participating student. Partnerships with institutions of higher
140 education that offer dormitory living may also include opportunities for students with severe
141 intellectual disabilities, autism spectrum disorders and other developmental disabilities to live in
142 residential housing offered to nondisabled students with the accommodations, supports and
143 services necessary to enable inclusive dormitory living if it is offered by the public institute of
144 higher education.

145 (c) The executive office of education, in consultation with the department of elementary
146 and secondary education, the department of higher education and the inclusive concurrent
147 enrollment initiative advisory board shall develop guidelines to implement the grant program.

148 (d) Subject to appropriation, the executive office of education shall designate an inclusive
149 concurrent enrollment coordinator to manage grant administration and coordinate reporting. The
150 executive office of education shall provide school committees and public institutions of higher
151 education with the contact information for the inclusive concurrent enrollment coordinator.

152 (e) The inclusive concurrent enrollment coordinator, in consultation with the department
153 of elementary and secondary education, the department of higher education and the inclusive
154 concurrent enrollment advisory board, shall develop strategies and procedures to assist public
155 institutions of higher education in sustaining, expanding and replicating inclusive concurrent
156 enrollment partnerships established through the executive office of education's discretionary
157 grant program. The executive office of education shall make recommended strategies and
158 procedures to public institutions of higher education publicly available on its website.

159 Recommended strategies and procedures shall include, but not be limited to:

160 (i) the provision of available grant funding for partnerships between public
161 institutions of higher education and school committees that have developed inclusive concurrent
162 enrollment programs to sustain existing programs and retain employment specialists to assist
163 students in meeting competitive employment and other transition-related goals;

164 (ii) identifying procedures and funding mechanisms to ensure that new
165 partnerships providing inclusive concurrent enrollment programs fully utilize the models and

166 expertise developed in existing partnerships to ensure that programs are successful and
167 sustainable;

168 (iii) the development of methods to encourage existing and new partnerships to
169 expand the capacity of public institutions of higher education to respond to requests for eligible
170 students to participate in inclusive concurrent enrollment initiatives;

171 (iv) outreach to public institutions of higher education and school committees not
172 currently participating in inclusive concurrent enrollment to encourage those institutions of
173 higher education and school committees to offer inclusive concurrent enrollment opportunities;

174 (v) ways to address common challenges faced by public institutions of higher
175 education and newly created inclusive concurrent enrollment initiatives and a compilation of best
176 practices to address these challenges;

177 (vi) recommendations on the integration of students with severe intellectual
178 disabilities, autism spectrum disorders and other developmental disabilities into housing offered
179 to nondisabled students with the accommodations, supports and services necessary to enable
180 inclusive dormitory living if the public institution of higher education chooses to offer residential
181 housing; and

182 (vii) the development of partnerships between public institutions of higher education and
183 businesses to facilitate internship and employment opportunities for students with severe
184 intellectual disabilities, autism spectrum disorders and other developmental disabilities.

185 (f) The executive office of education shall establish an inclusive concurrent enrollment
186 advisory board to advise the executive office of education on efforts to implement inclusive

187 concurrent enrollment and to participate in educational outreach efforts related to inclusive
188 concurrent enrollment. The inclusive concurrent enrollment advisory board shall include the
189 following members or their designees: the inclusive concurrent enrollment coordinator , who
190 shall serve as chair; the secretary of education, the commissioner of higher education; the
191 commissioner of elementary and secondary education; the commissioner of developmental
192 services; the commissioner of the Massachusetts rehabilitation commission; a representative of
193 Massachusetts Advocates for Children, Inc.; a representative of The Federation for Students with
194 Special Needs, Inc.; a representative of the Institute for Community Inclusion; at least 2
195 representatives of school districts and public institutions of higher education that have
196 successfully implemented inclusive concurrent enrollment initiatives, to be appointed by the
197 chair; and 2 students who are participating or have participated in an inclusive concurrent
198 enrollment program, to be appointed by the chair. The inclusive concurrent enrollment advisory
199 board shall meet at least quarterly. Members of the advisory board shall serve without
200 compensation.

201 (g) The executive office of education shall annually select grant recipients not later than
202 July 15.

203 (h) The executive office of education, in consultation with the department of elementary
204 and secondary education and the department of higher education, shall annually post a report
205 online on the status of the grant program not later than March 15. The report shall include, but
206 not be limited to, the following components:

207 (i) data detailing the number of students enrolled in the inclusive concurrent
208 enrollment initiative each semester and the unduplicated count of total students served at each
209 public institution of higher education;

210 (ii) a list of all full-time and part-time employment positions supported by the
211 grant program that are dedicated to supporting students with severe disabilities, autism spectrum
212 disorder and other developmental disabilities through the inclusive concurrent enrollment
213 initiative and the average salary for those positions including, but not limited to: (1) educational
214 coaches; (2) educational specialists; (3) job coaches and vocational specialists; (4) program
215 specialists; (5) program directors; (6) peer mentors, note-takers and tutors; (7) contracted
216 employees; and (8) parent and school committee liaisons;

217 (iii) a list of courses taken by students participating in the inclusive concurrent
218 enrollment initiative during the academic year and if the student enrolled in the course for credit
219 or in audit status and whether the student passed or completed the course;

220 (iv) a summary of innovative strategies and practices implemented at each public
221 institution of higher education with school committees or eligible students;

222 (v) employment data for students and graduates, obtained to the best of the ability
223 of the school district, the public institution of higher education and the executive office of
224 education;

225 (vi) a report detailing the amount of grant funds allocated to each public
226 institution of higher education in the planning and implementation phases, the amount allocated
227 to the department of elementary and secondary education and the department of higher education
228 and the amount allocated to the executive office of education; and

229 (vii) a report detailing the impacts and benefits of this program to institutions of
230 higher education and the students enrolled.

231 SECTION 11A. Subsection (a) of section 1 of chapter 287 of the acts of 2012 is hereby
232 amended by inserting after the second sentence the following sentence:-“The secretary shall
233 appoint 1 member to the panel who represents or is a member of a dyslexia advocacy
234 organization.

235 SECTION 11B. Said section 1 of said chapter 287 is hereby further amended by inserting
236 after the word “assessments”, in line 40, the following words:- , identification of neurological
237 learning disabilities including, but not limited to, dyslexia.

238 SECTION 11C. Clause (5) of subsection (b) of said section 1 of said chapter 287 is
239 hereby amended by striking out, in line 3, the following word:- and.

240 SECTION 11D. Said subsection (b) of said section 1 of said chapter 287 is hereby
241 further amended by striking out clause (6) and inserting in place thereof the following 2 clauses:-

242 (6) action steps to implement the research-based recommendations contained in reports
243 written by experts in early language and literacy development; and

244 (7) action steps to implement the research-based recommendations including, but not
245 limited to, student screening and teacher preparation methods contained in reports written by
246 experts in early language and literacy development with respect to reading disabilities including,
247 but not limited to, dyslexia.

248 SECTION 12. Not later than July 1, 2017, the board of higher education, in consultation
249 with an inclusive concurrent enrollment advisory board, shall provide guidance for including

250 students with severe intellectual disabilities, autism spectrum disorders and other developmental
251 disabilities in the residence life of public institutions of higher education, such as
252 accommodations, supports and services necessary to enable inclusive dormitory living.

253 SECTION 12A. There shall be a commission to study and advise the general court and
254 the executive branch on best practices for creating and implementing a statewide work-study and
255 internship and scholarship program for students with intellectual and developmental disabilities
256 who participate in higher education through inclusive concurrent enrollment.

257 The commission shall include the following members or their designees: the senate and
258 house chairs of the joint committee on higher education, who shall serve as co-chairs; the
259 secretary of labor and workforce development; the secretary of education; the commissioner of
260 the Massachusetts rehabilitation commission; the commissioner of developmental services; the
261 executive director of The Arc of Massachusetts, Inc.; the executive director of the
262 commonwealth corporation; a representative of Massachusetts Advocates for Children, Inc.; the
263 dean of the school of global inclusion and social development at the University of Massachusetts
264 at Boston; a representative of The New England Council, Inc.; a representative from Jewish
265 Vocational Services; and a representative of the Massachusetts statewide independent living
266 council. Members of the commission shall serve without compensation. The commission may
267 consult with the inclusive concurrent enrollment board. The commission shall meet at least bi-
268 monthly and shall develop and submit to the senate and house chairs of the joint committee on
269 higher education and the joint committee on labor and workforce development a report of its
270 findings and recommended strategies for implementation not later than December 31, 2017.

271 SECTION 12B. Notwithstanding any general or special law to the contrary, students
272 enrolled in the inclusive concurrent enrollment program shall be required to follow the institution
273 of higher education's student conduct manual and the institution of higher education shall
274 provide reasonable accommodations for such students and provide the conduct manual to
275 students in a manner that is fully accessible.

276 SECTION 13. The executive office of education shall promulgate guidelines pursuant to
277 section 17 of chapter 71B of the General Laws not later than July 1, 2017.

278 SECTION 14. This act shall take effect on July 1, 2017.