HOUSE DOCKET, NO. 1919 FILED ON: 1/20/2011

HOUSE . . . . . No. 983

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day and Tom Sannicandro

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 for passage to independence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. O'Day	*14th Worcester*
John J. Binienda	*17th Worcester*
Christine E. Canavan	*10th Plymouth*
William N. Brownsberger	
Walter F. Timilty	*7th Norfolk*
David B. Sullivan	*6th Bristol*
Thomas P. Conroy	*13th Middlesex*
David Paul Linsky	*5th Middlesex*
Denise C. Garlick	*13th Norfolk*
Louis L. Kafka	*8th Norfolk*
Harold P. Naughton, Jr.	*12th Worcester*
John V. Fernandes	*10th Worcester*
David M. Torrisi	*14th Essex*
Mark J. Cusack	*5th Norfolk*
Tom Sannicandro	*7th Middlesex*
Patricia A. Haddad	*5th Bristol*
Jason M. Lewis	*31st Middlesex*
Stephen R. Canessa	*12th Bristol*

James J. Dwyer	*30th Middlesex*
James M. Murphy	*4th Norfolk*
William M. Straus	*10th Bristol*
George T. Ross	*2nd Bristol*
James Arciero	*2nd Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*

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By Messrs. O'Day of West Boylston and Sannicandro, a petition (accompanied by bill, House, No. 983) of James J. O'Day, Tom Sannicandro and others relative to eligibility and appropriations for programs for persons with disabilities, including the "Turning 22" program, so-called. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act for passage to independence.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Preamble:

Transition is about planning for life—it involves moving from one stage in life to another. One very important transition in the life of a young adult with disabilities is leaving high school and special education services and entering the community services system. This transition is often referred to as “Turning 22”; the age when the student with special needs must leave the public education system. However, this transition can also occur prior to age 22 if the student has graduated from high school at an earlier age. For too many Massachusetts young persons and their families, this has become a nightmarish test of survival. Each new budget year has brought an eleventh-hour drama where families and advocates beg for the obvious realization that children grow up and out of the jurisdiction of DESE. Suddenly, the young person and their family face a potential loss of supports, when entitlement ends for special education services. Nothing guarantees that services OF ANY KIND will be there after graduation or turning 22

13 years of age. And in an era of decreasing federal and state resources in human services, the
14 future may be even bleaker unless we act NOW.

15 Section 2. Appropriations

16 a) The Department of Developmental Services (DDS) will receive an annualized
17 appropriation of $23.4 million for Fiscal Year 2012 and four fiscal years thereafter. This
18 appropriation will be to support individuals who are by virtue of becoming 22 years of age, or by
19 virtue of graduation from high school, no longer eligible for Special Education services of
20 DESE. Of that amount, $3 million will be reserved to support a minimum of 170 persons in
21 supported competitive employment or competitive employment. This appropriation cannot be
22 used for congregate work settings, sheltered workshops, work enclaves or any kind of group
23 work setting.

24

25 b) The Department of Developmental Services (DDS) will allocate $4 million of the
26 above appropriation for line item 5920-2000 (community residential supports account) to address
27 the emergency need for residential services targeted to individuals over the age of 22 who
28 received no prior funding for community residential or family support services. These funds may
29 be used to provide any options within the full spectrum of residential and family support
30 services, i.e. including but not limited to family partnerships to 24 hour/7 day support in group
31 settings. Remaining DDS funds can be utilized for any combination of residential and family
32 support services that address the needs of graduating students.

33

34 c) The Massachusetts Rehabilitation Commission (MRC) will receive an annualized
35 appropriation of $2.5 million for Fiscal Year 2012 and four fiscal years thereafter to be used to
36 support individuals who are by virtue of becoming 22 years of age, no longer eligible for Special
37 Education services of DESE. Funds also may be used for those who graduated in a previous
38 year.

39 Section 3: Eligibility

40 Under the direction of the Executive Office of Human Services (EOHS) and in
41 consultation with the American Association of Intellectual and Developmental Disabilities
42 (AAIDD), the Department of Developmental Services (DDS) will develop a transparent process
43 for prioritization of individual need for services and supports.

44 Section 4: Revenue, Sale of State Property

45 a.) This bill does establish that under the joint direction of the Secretary of
46 Administration and Finance and the Secretary of the Executive Office of Human Services, a
47 defined percentage of federal revenue, over and above a reasonable fiscal year revenue
48 projection, will be retained and returned to DDS for specific use in support of said population
49 reaching the age of 22 years, or upon graduation from high school. These funds will be targeted
50 for emergency family support intervention.

51 b.) In the event of the sale of state school (ICF-MRs) land and property, 100% of the
52 proceeds of such a sale or sales will be directed to DDS for the express purpose of community-
53 based residential, family, employment and transportation supports for future individuals who by
54 virtue of reaching age 22 are no longer eligible for special education services.