

**HOUSE . . . . . No. 137**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***James J. O'Day***

*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:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/14/2013</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>	
<i>Bradford Hill</i>	<i>4th Essex</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	
<i>James M. Murphy</i>	<i>4th Norfolk</i>	
<i>John J. Binienda</i>	<i>17th Worcester</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>	

<i>David M. Rogers</i>	<i>24th Middlesex</i>	
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>	
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>James R. Miceli</i>	<i>19th Middlesex</i>	
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	

**HOUSE . . . . . No. 137**

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By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 137) of James J. O'Day 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.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 983 OF 2011-2012.]

**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Thirteen**  
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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:*

1           Section 1. Preamble:

2           Transition is about planning for life—it involves moving from one stage in life to  
3 another. One very important transition in the life of a young adult with disabilities is leaving high  
4 school and special education services and entering the community services system. This  
5 transition is often referred to as “Turning 22”; the age when the student with special needs must  
6 leave the public education system. However, this transition can also occur prior to age 22 if the  
7 student has graduated from high school at an earlier age. For too many Massachusetts young  
8 persons and their families, this has become a nightmarish test of survival. Each new budget year  
9 has brought an eleventh-hour drama where families and advocates beg for the obvious realization  
10 that children grow up and out of the jurisdiction of DESE. Suddenly, the young person and their  
11 family face a potential loss of supports, when entitlement ends for special education services.  
12 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 2015 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, with the exception of work enclaves for a time period no longer than six months, if  
24 determined that this is an appropriate step on the way to employment or supported employment.

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 c) The Massachusetts Rehabilitation Commission (MRC) will receive an annualized  
34 appropriation of \$2.5 million for community based employment supports (account 4120-3000)  
35 for Fiscal Year 2015 and four fiscal years thereafter to be used to support individuals who are by  
36 virtue of becoming 22 years of age, no longer eligible for Special Education services of DESE.  
37 Funds also may be used for those who graduated in a previous year.

### 38 Section 3: Eligibility

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

### 43 Section 4: Revenue, Sale of State Property

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

50 b.) In the event of the sale of state school (ICF-MRs) land and property, 100% of the  
51 proceeds of such a sale or sales will be directed to DDS for the express purpose of community-

52 based residential, family, employment and transportation supports for future individuals who by  
53 virtue of reaching age 22 are no longer eligible for special education services.